The American
Labor Legislation Review

JOHN B. ANDREWS, Editor — FREDERICK W. MACKENZIE, Associate Editor

VOL. XVII — MARCH, 1927 — No. 1

CONTENTS

The AMERICAN LABOR LEGISLATION REVIEW is published quarterly by the American Association for Labor Legislation, 131 East 23rd St., New York, N. Y. The price is $1 a single copy, or $3 a year in advance. Annual subscription includes individual membership in the Association. Entered as second-class matter February 20, 1911, at the post office at New York, N. Y., under the Act of August 24, 1912. Acceptance for mailing at special rate of postage provided for in Section 1103, Act of October 3, 1917, authorized on July 13, 1918.

"I DO not know of a more grievous problem of modern industry, nor of one which we fail more signally in solving, than the question of unemployment. The idea that men who are able, honest and willing to work should find it difficult, even when the community needs their service, to perform that service is one of the most tragic and one of the most severe indictments of our modern civilization. We have done but little in its solution.

"There have been unemployment conferences, and many suggestions have been made, but it really takes a concerted effort on the part of industry as a whole and on the part of the community as a whole to deal effectively with this very serious matter."

—GERARD SWOPE, *President, General Electric Company, in an article in* World's Work *on "What Big Business Owes the Public."*

Victory for Harbor Workers' Compensation!

A WISE man, now eighty-four years of age and one time president of a great university, recently wrote to us and conveyed the results of his mature thought in words which we believe all members of the Association for Labor Legislation will wish to ponder and remember.

He recalls with understanding early chapters in the Association's twenty years of effort in behalf of its program of protective labor legislation, and with appreciation of the necessity in our field of persistent concentration upon definite issues, he concludes:

"The prerequisite educational work is at once scientific, technical, practical, and popular, and will inevitably be slow because of the human inertia to be overcome. It involves the growth of scientific opinion, usually cautious and hesitant, the growth of public opinion, usually inert and sluggish, the working assent of laborers on whom new restraints must be laid, the concurrence of managers on whom new cares are to be thrown, the cooperation of owners on whom new expenses are to be imposed, the enlightenment of legislators of whom new enactments are to be required, and the inspiration of public officials on whom new duties are to be placed."

This distinguished observer of social developments might well have had in mind efforts, just crowned with success, to secure the protection of federal accident compensation legislation for injured longshoremen and other harbor workers.

Victory for this important measure was achieved in the final hour of the Congress which ended at noon on March 4. It was put through in the Senate despite the sensational filibuster which resulted in the failure of much national legislation including the government's deficiency appropriation bill. The outlines of the final enactment of this federal accident compensation law appear elsewhere in this REVIEW (page 13); also a brief report (page 95) of our Association's activities in the preparation of the bill and in the legislative campaign to bring about its adoption.

Progress of the bill, especially in its final stages, in Congress called for the utmost vigilance in overcoming tactics of delay and obstacles constantly placed in its way by able and experienced representatives of certain opposing ship owners. Success came at the last moment under dramatic circumstances. But it should not be forgotten that this favorable outcome would not have been possible if the way had not been prepared for it by the arduous and

painstaking efforts of years, not only in investigating the conditions that called for a remedy and in preparing the legislation for introduction in Congress, but also in carrying on what our correspondent calls "the prerequisite educational work."

The new federal accident compensation law, prepared by this Association in cooperation with the International Longshoremen's Association, presented many difficult problems, some of them unique. During the past two years scores of conferences were held. Tentative drafts of the bill were submitted to qualified experts and administration officials. Circular letters, printed pamphlets and press matter were widely distributed in an educational campaign, when the character of the legislation had been determined upon and made ready for action by Congress. When the bill was put upon its way, the Association's assistance was requested by the Judiciary committees in working through a maze of obstacles, counter-proposals, legislative "jams" and other vicissitudes which at times—especially in the feverish closing hours of the session—seemed to seal the doom of this legislation in the Sixty-ninth Congress. As now enacted and signed by the President, it is, as a compensation administrator of national distinction puts it, "a good law."

While the law was fortunately achieved in the short or so-called "lame duck" session of Congress, the task of getting the bill before the two Houses for a final vote was fraught with nerve-wracking uncertainties up to the last moment. This experience emphasizes anew the desirability of adopting the Norris resolution calling for a constitutional amendment to abolish the "short" session. This resolution, recently approved by the executive committee of our Association (see page 33), would have each new Congress assemble two months after it was elected, instead of thirteen months as at present. This change will permit public opinion as expressed at the polls to be reflected immediately in legislation and it will minimize the danger of jeopardizing important legislation by such filibustering as that which marked the end of the Sixty-ninth Congress.

JOHN B. ANDREWS, *Secretary*
American Association for Labor Legislation.

Legislative Notes

TEN years of effort to extend the full protection of workmen's accident compensation to longshoremen, ship repairmen and other harbor workers have resulted in victory. Congress has just enacted into law the **federal accident compensation bill for harbor workers** prepared by the American Association for Labor Legislation in cooperation with the International Longshoremen's Association. (See page 13 of this REVIEW). The bill was approved by the Senate, March 4, in the closing hour of the session, despite the filibuster, as it had passed in the House two days earlier with only seven dissenting votes.

◆

As this issue of the REVIEW goes to press, the news is received that the standard bill of the Association for Labor Legislation to provide for **rock dusting coal mines to prevent disasters due to coal dust explosions** has passed both houses of the Indiana legislature. Four states—Utah, Pennsylvania, Wyoming and West Virginia—have already enacted pioneering rock dusting laws.

◆

IN Indiana, a bill for **old age pensions** has passed in the Senate, and has been favorably reported by a House committee, and in Utah an old age pension bill passed in the House. In Wyoming an old age pension bill has passed both Houses of the legislature.

◆

CONGRESS on January 19 extended for two additional years, ending June 30, 1929, the authorization for appropriations for carrying out the provisions of the act providing for federal-state cooperation in **maternity and infancy protection.** As adopted, the resolution provides that at the expiration of the two-year period the federal maternity and infancy law shall cease to be effective.

◇

A HEARING was held February 26 before the Senate committee on commerce on a resolution, introduced by Senator Pepper, to authorize a select committee of five Senators to study **the stabilization of employment and industry through advance planning of public works** with a view to incorporating this principle in federal legislation. Otto T. Mallery of Philadelphia, treasurer of the American Association for Labor Legislation and chairman of its committee on public works, made the principal presentation of the need for advance planning, and introduced other speakers on behalf of the proposal, including E. E. Hunt of Washington, secretary of the President's Conference on Unem-

ployment in 1921; John B. Andrews, secretary of the American Association for Labor Legislation, New York City; Professor H. G. Moulton of the Institute of Economics; A. C. Oliphant of the General Engineering Council, and Mr. Sawyer of the Associated General Contractors of America. The committee on February 28 reported the resolution favorably.

◇

DURING 1926 **coal mine accidents** in the United States took the lives of 2,510 miners. Sixteen "major" disasters due to coal mine explosions killed a total of 349 men, as compared with 10 disasters in 1925 in which 237 lives were lost—an increase in the death rates for gas and coal dust explosions.

◇

A BILL introduced in Congress by Representative Rathbone to create a **division of safety** in the United States Bureau of Labor Statistics was passed by the House on January 3. The bill aims to facilitate the more effective gathering on a nationwide scale of statistics of industrial accidents with a view to accident prevention. On January 21, the bill was reported, with an amendment, by the Senate committee.

◇

A RESOLUTION recently adopted by the United Mine Workers of America local union at South Superior, Wyoming, appeals to the legislature now in session to enact a compulsory law for **rock dusting mines to prevent disasters due to coal dust explosions.** The resolution declares that rock dusting "has proved to be a great factor in eliminating" coal dust explosions, and "is of inestimable value and benefit to the individuals involved and their dependents, whose life and welfare depend upon the coal mining for livelihood, and to society at large."

◇

IN Bethlehem, Pennsylvania, the city council has ordered the city's insurance business placed with the **state fund for workmen's accident insurance.** The city has heretofore given this business to insurance agents. It was shown that by insuring in the state fund, the city will save about $1,200 a year and at the same time have full protection and prompt adjustment of claims.

◇

WITH the end of the present Congress close at hand, as this REVIEW goes to press it is apparent that there will be another "postponement" of the Fitzgerald bill to provide **accident compensation for wage-earners in private employments in the District of Columbia.** For five years, Congress has delayed action on this well-considered bill. Three times it has been favorably reported by the House committee, which urged its adoption by the present Congress "as a just and adequate and reasonable compensation provision especially well adapted to meet the unique conditions existing in the District of Columbia." It is to be regretted that the opposition engineered by selfish commercial insurance interests

has again succeeded in blocking final adoption of the bill and that congressional neglect of the District workers continues to be a "national disgrace."

◇

A HEARING was held February 15 before the Citizens Advisory Council of the District of Columbia on the Fitzgerald bill for **accident compensation for wage-earners in the District of Columbia.** Upon invitation the secretary of the American Association for Labor Legislation addressed the meeting in behalf of the Fitzgerald bill as a measure well designed to meet unique conditions existing in the District.

◇

THE annual meeting of the **Association of Governmental Labor Officials of the United States and Canada** will be held at Paterson, New Jersey, May 31, 1927.

◇

DURING 1926 the New York **state fund for workmen's accident compensation** "enjoyed the largest business year of any in its history." Figures for the fiscal year just ended show that the annual cash receipts from premiums have grown to almost $7,000,000, an increase of 64 per cent over the former year. During the year policy-holders received in dividends $743,800, or $286,400 more than in the previous year, while the premium rates have been consistently 15 per cent less than commercial insurance company rates for the same risks.

◇

THE Kentucky legislature has rejected the proposed **child labor amendment** to the federal constitution.

◇

A BILL has been introduced in the Minnesota legislature providing for the re-enactment of the 1925 law prohibiting the **employment of women** more than fifty-four hours a week. The 1925 law was held invalid because of an error in its passage.

◇

"COAL mining is **a hazardous occupation,**" says the Omaha (Neb.) *News*, "a constant battle with death in some of its ugliest forms."

◇

A. C. CALLEN, in an address before the American Mining Congress on "Proof of the Efficiency of Rock Dusting," cites the experiments of the federal Bureau of Mines and quotes the testimony of mine engineers and executives, public officials and miners as to **coal mine disasters** that have been **prevented by the use of rock dust.** "These men have had years of experience in the particular fields, they have had intimate knowledge of explosions in these districts prior to rock dusting, and they are fully competent to offer testimony as to what has prevented the extended propagation of these explosions. Their united statement is, in effect, this: 'Rock dust will stop an explosion.' To quibble and

argue in the face of scientific evidence supported unqualifiedly by actual experience is to show such an utter disregard for mine safety as to entitle one to contempt. If the evidence were only one-tenth as conclusive there would be sufficient reason for urging rock dusting."

◇

In Connecticut, an **unemployment insurance** bill has been introduced in the legislature. It provides for an employers' mutual employment insurance company, and for payments by last employer to totally unemployed at rate of $1.25 a day if employee is under eighteen and $2.50 if employee is over eighteen; payments not to exceed two-thirds of weekly wage, not to run more than twenty weeks in a calendar year nor in greater ratio than one week's compensation for four weeks' employment.

◇

Edward T. Devine, who served as a member of the Federal Coal Commission, declared in an address before the National Conference of Social World that there is need for "an unofficial, representative, national committee or association, analogous to those which have achieved notable results in the enactment of child labor laws and workmen's accident compensation laws" to keep the matter of safety and stabilization of the **coal industry** alive between strikes or other crises. "The American Association for Labor Legislation," he said, "has performed this service with admirable persistence and energy in pressing for the publication of the commission's report and in urging action to diminish accidents."

◇

Representatives of twenty fraternal and civic organizations, at a recent meeting in Indianapolis, unanimously adopted a resolution favoring adoption of **old age pensions.**

◇

Governor Alfred E. Smith and Robert W. de Forest have received medals for **distinguished social service** by *Better Times,* a monthly magazine published in the interests of charitable organizations, whose editorial board chooses two men to receive the medals each year.

◇

Strongly recommending the inclusion of **occupational diseases** under the Iowa workmen's accident compensation law, State Industrial Commissioner A. B. Funk, in his recent report, says: "I would be guilty of conscious neglect of duty if I failed further to urge this act of justice on the part of the state. Amendment to this end has been denied because of opposition based upon the claim of excessive cost. Experience in other states proves this claim to be vastly exaggerated, but even if it were not so, can the refusal of such appealing demand be justified? With occupational disease included in coverage, no award would or could be made except in cases where it conclusively appears that disability arose out of employment. Is there any support in common morality or uncommon philosophy for the policy of taking care of the

injured workman if injury comes from one industrial source and of denying it if it is due to another?" Commissioner Funk also urged that the "waiting period" be reduced from the existing two weeks to one week.

◇

THE **National Conference of Social Work** will hold its 1927 convention at Des Moines, Iowa, May 11-18. The president this year is Dr. John A. Lapp of Chicago.

◇

"THE working-life of the mass of men and women in industry is shortening to a decided degree," says *Labor Age*. "The 'savings' of workers can never maintain them in old age. State **old age assistance** is the only path along which there lies any hope for them."

◇

"ACCIDENT prevention, of course, is the most certain method of keeping the cost of compensation insurance to the minimum," declared J. T. Rupli of the Chicago, Wilmington & Franklin Coal Company at a **coal mine safety** session of the ninth annual convention of the National Coal Association. J. William Wetter of Madeira, Hill & Company told how his company, by reorganizing its safety work, was able to reduce its accident rate per 1,000 man-days from 1.33 to 0.71 per cent in less than three years.

◇

IN British Columbia, the first order under the **male minimum wage act** of 1925 establishes a minimum of 40 cents an hour for employees in the lumbering industry.

◇

WHAT pay should an entombed miner get? This question has become an issue at Hazelton, Pa., where in November five miners were **caught in a flooded mine** and imprisoned in the darkness underground for 192 hours. The miners have asked full pay for the time they were trapped—equal to twenty-four eight-hour shifts. The company has offered to pay the men for two shifts a day for the period of the imprisonment. The matter may go to the Anthracite Conciliation Board.

◇

To train men and women for leadership in **accident prevention** work is the aim of a new course announced by New York University. The Course is under the direction of C. W. Price, vice president of the Elliott Service Company and formerly general manager of the National Safety Council, director of safety in the International Harvester Company, and safety expert of the Wisconsin Industrial Commission.

◇

How to provide insurance under workmen's accident compensation laws for the coal mining industry has become an acute issue. Commercial insurance companies have been turning down this class of busi-

ness because they claim it is not profitable. State officials have taken up the matter. A committee of the National Convention of Insurance Commissioners is making an investigation. On February 1, the National Council on Compensation Insurance, a rate making body for insurance companies, appointed a committee to confer with the state insurance commissioners. Prior to this action, a letter sent out by C. W. Hobbs, special representative of the insurance commissioners with the National Council, declared that "failure to solve this problem" of **securing insurance for coal mine risks** "may have a serious effect upon the entire system of covering workmen's compensation insurance through private organizations."

◇

On February 8, Montana became the fifth state to ratify the **child labor amendment** to the federal constitution. Arkansas, Arizona, California and Wisconsin had already filed ratification since the submission of the amendment by Congress in 1924.

◇

President William Green of the American Federation of Labor has appealed to members of all state legislatures now in session either to ratify the pending federal **child labor amendment**, or to rescind their action where a legislature has rejected the amendment. "This is an issue of the greatest importance to our country," he said. "The alarming increase in the number of children employed since the last federal child labor law was declared unconstitutional is causing gravest concern. Many states have grown lax in the enforcement of their child labor laws, since the opinion of the Supreme Court was handed down."

◇

"A movement is on in Pennsylvania to have the legislature adopt a state flower. Some variety of grafted plum should be appropriate in that commonwealth."—*Louisville Courier-Journal.*

◇

An attack has been made by the Minnesota Employers' Association on the state compensation insurance board for its approval of an increase in **compensation insurance rates.** The employers, in a statement to the governor, charge that the board favors the insurance companies.

◇

From Hazelton, Pa., comes a report that the amount spent by the Lehigh Valley Coal Company, in successfully rescuing five men who were **entombed in a mine** for eight days last November, is estimated at $100,000. From Ishpemming, Mich., a press dispatch states that the Cleveland Cliffs Iron Mining Company, after reviewing expert opinion, have decided to seal up the Barnes-Hecker mine, where the bodies of 43 or more miners have lain buried ever since the cave-in of November 3. The Duluth *Labor World* remarks that the company "will not gain in public favor for its failure on account of the expense involved to remove the bodies of its dead miners from the Barnes-Hecker mine."

An **old age pension** bill is again before the California legislature. This legislation was passed by both houses in 1925 but was vetoed by Governor Richardson, who later was defeated in the primary election.

◇

A recent decision of the United States Supreme Court holds unconstitutional the Arkansas **minimum wage law** setting $1 a day as minimum pay for women in industry. Following the court's decision in 1923 against the District of Columbia minimum wage law and its adverse action in 1925 on the Arizona act, the decision in the Arkansas case appears to halt minimum wage legislation for women except, as in Massachusetts, where it is not mandatory.

◇

Miles M. Dawson & Son, New York City actuaries, have been engaged to make an actuarial investigation of the North Dakota **state fund for workmen's accident insurance.** A statement of the condition of the fund as of December 1, 1926, prepared by the state workmen's compensation bureau, indicates a net surplus over all liabilities of $35,857.

◇

During 1926 there was continued and conspicuous success for the Idaho **state fund for workmen's accident insurance.** The combined reserves of the state insurance fund on January 1, 1927, will reach almost a million dollars. Interestingly, the Fund reports that the interest earnings on the fund's reserve for the past year amounted to $66,720.27, or almost as much again as the entire operating expense of the fund, including the handling of all the claims.

◇

A bill for **statewide old age pensions** to be paid by a tax on cigarettes has been introduced in the Kansas legislature.

◇

"Longshoremen Ask Congressional Action" is the heading of the leading article, by Louise F. Shields, in the January number of the *Monthly Labor Review* of the United States Bureau of Labor Statistics. The plight of injured harbor workers is described, as well as the efforts to rescue them from a twilight zone between state and maritime jurisdiction in which they have been denied the protection of accident compensation legislation. "The vital concern of the longshoremen," the article concludes, "is that Congress take immediate action" on pending legislation (drafted by the Association for Labor Legislation) to provide federal **accident compensation.**

◇

Commenting on the fact that a **coal mine explosion** in Tennessee last October cost the coal company about $85,000 in workmen's compensation awards to the dependents of the 27 miners who were killed, the

Milwaukee Leader says: "The payments will not bring back the lives of the miners, but may help a little to promote the rock dusting and otherwise safeguarding of mines against explosions. Evidently, Tennessee has a workmen's compensation act, but does not have a mine safeguarding act that is adequate."

◇

A SPECIAL session of the Virginia legislature has been called for March 16, 1927.

◇

AMONG the leading measures on the legislative program of the **Trades and Labor Congress of Canada,** submitted recently to the Dominion government, are one day's rest in seven for all workers; unemployment insurance, and putting into effect the eight-hour day Convention of the International Labor Conference "insofar as it lies within the jurisdiction of the Dominion authorities."

◇

FRANK A. KENNEDY has been reappointed **Secretary of Labor and Compensation Commissioner** of Nebraska.

◇

THE workmen's compensation cost of the iron **mine disaster** at Ishpemming, Mich., November 3, in which 51 miners were killed, will amount to about $250,000—which must be paid by the company owning and operating the mine since it is a "self-insurer."

◇

DISCUSSING propaganda directed against the adoption of a **statewide old age pension** law providing for a maximum annual pension of $300 a year, the Bucyrus (O.) *Forum* says: "It is laughable to suggest that the contemplation of eighty-two cents a day to live on at seventy years would seem so munificent a sum to the average individual in his productive years as to discourage providing for old age where it is possible to spare anything from the weekly wage for savings."

◇

"THE dawning of 1927 finds the United States still faced with a problem which might well call for a most earnest New Year's resolution," says the Shreveport (La.) *Times.* "It is a problem of the coal mining industry. That doesn't refer to coal prices or labor troubles. It refers to the toll of lives which the industry annually exacts. * * * It would seem as if America could make no New Year resolution much better than a resolve to **cut down the death toll of its coal mines.** * * * The men who go down into the mines are risking their lives daily in the production of an essential commodity. The toll of 2,150 lives in a year is too high for any one commodity, no matter how essential it is."

Congress Enacts Federal Accident Compensation Law for Harbor Workers!

New Act, Won After Years of Effort, Is An Important Application of Workmen's Compensation Principle, With Wide Coverage and Liberal Benefits

ON March 4, in the closing hour of the session, Congress enacted into law the bill, prepared by the American Association for Labor Legislation in cooperation with the International Longshoremen's Association to provide federal accident compensation for harbor workers. During a momentary halt in the "filibuster" which resulted in the death of much important national legislation, the Senate approved the bill as passed by the House two days earlier. It was immediately signed by the President and goes into effect July 1, 1927.

Ten years of persistent effort are thus rewarded with success. Since 1917 a third of a million harbor workers—engaged in the extremely hazardous tasks of loading, unloading and repairing vessels at the dock—have been "in and out" of compensation protection, or left in a legal "no man's land" in which they were practically without remedy when injured on board a vessel at the dock.

When the states in 1911 first enacted workmen's compensation laws, they included harbor workers as a matter of course. But in 1917 the Supreme Court held by a five-to-four decision that when injured on board a ship, the accident was "maritime" and therefore outside of state jurisdiction. Twice Congress attempted to bring the workers thus injured specifically under the state compensation laws. These efforts, despite their characterization as "statesman-like" by the minority Justices, were held in divided opinions by the Supreme Court to be beyond the authority of Congress in that such power delegated to the states would interfere with the proper harmony and uniformity of the maritime law. The remedy, as finally suggested by the court, lies in the extension of federal protection to the harbor workers. (See this REVIEW, March, 1926, pp. 13-16.)

The new act[1] is of large significance. It rescues injured harbor workers from a position that from any point of view was indefensible. It closes up a conspicuous gap that still remained in compen-

[1] See *Congressional Record*, March 4, 1927, p. 5670.

sation legislation in America. It establishes an important principle of legislation, necessitated by our division of jurisdiction between the federal government and the various states, this time in connection with "maritime" employment. It extends workmen's accident compensation for the first time into those five states in the South that still remain without state compensation laws. It should stimulate legislation by North Carolina, South Carolina, Florida, Arkansas and Mississippi where the Association for Labor Legislation has been urging state action. It is the first federal workmen's compensation for private employees, although the Association drafted and secured the adoption of a federal act in 1916 protecting the half million civilian employees of the government. Seamen and railway men in interstate commerce are not included in the new law—they were not yet ready to come in with the harbor workers—but the operation of the act should be of assistance to these two groups in determining their future policy.

Congress has placed its seal of approval upon a measure that is, on the whole, liberal in its benefits. The basis of compensation is two-thirds of wages payable after a non-compensated waiting period of seven days following the injury but in no case to exceed $25 weekly, with all necessary medical care. Dependent children are to receive compensation up to the age of eighteen and the widow until death or remarriage. There was unfortunately no opportunity to eliminate the arbitrary maximum amount of seventy-five hundred dollars, regardless of the age of the widow or the number of dependent children—inserted at the eleventh hour by the House committee upon request of shipping employers—although the votes were clearly available for such elimination.

This federal law embodies the best features of existing compensation acts. The scale of benefits is wisely based on the schedule in New York—the state having the greatest number of these workmen. Employers are to insure payment of accident compensation by any of the common authorized methods. Administration of the act is through local federal deputies cooperating with state compensation officials wherever the latter choose to assist, all under the unifying supervision of the experienced United States Employees' Compensation Commission. Modern provision is made for cooperation in rehabilitating disabled workmen, and special emphasis is given to stimulating accident prevention.

Harbor Tragedies Show Need of Compensation Protection

THREE harbor disasters recently serve to emphasize the urgent need for prompt action by Congress on the bill to provide federal accident compensation for longshoremen and other harbor workers.

In November the oil tanker "Mantilla" was brought into the Baltimore harbor to be rebuilt or reconditioned. Just as the ship was made fast to the dock and the workmen came aboard, a series of terrific explosions occurred. Eighteen harbor workers were blown to bits and 62 others seriously injured.

In December, also in the Baltimore harbor, the French barkentine "Richelieu" was being loaded with highly explosive materials, when again the harbor resounded with the appalling roar of an explosion. After the flames had died out on the "Richelieu," it was found that nine longshoremen had been burned to a crisp and 40 others severely burned.

At New York City, in the early morning of December 20, the motor launch "Linseed King" was crossing the Hudson river, jammed with longshoremen being taken to their work on the New Jersey side. The river was filled with ice floes. The launch went down, taking more than 40 longshoremen to a ghastly death. Thirty bodies were recovered. About fifty additional men were rescued who were "not only left nervously spent but physically in bad shape from exposure in icy waters." A public relief fund of $14,547 was raised under the leadership of the *Sun* and administered by the Charity Organization Society to care for the many destitute dependents of the dead longshoremen, including small children.

In none of these three disasters can a penny of accident compensation or damages be collected by the dependents of longshoremen who were killed or injured while on board the vessel. Until a federal compensation act is put into effect by Congress, harbor workers thus injured are not protected by compensation. The liability of employers in such cases under existing laws is limited to the value of the ship upon which the accident occurred, and in these three tragedies, it is reported, the ship is a total loss.

The Plight of Injured Longshoremen Calls For Action by Congress

By Anthony J. Chlopek
President, International Longshoremen's Association

(Editor's Note: Mr. Chlopek, the able and aggressive chief of the longshoremen's union, whose address here presented was given at the twentieth annual meeting of the American Association for Labor Legislation at St. Louis in December, has shown, throughout the long legislative campaign for accident compensation protection for harbor workers, a spirit of cooperation and a broad, general welfare point of view that have contributed greatly to the preparation of the carefully considered and urgently needed legislation just adopted by Congress.)

I AM delighted to have this opportunity of appearing before you on behalf of the International Longshoremen's Association. I wish first of all to express our deep appreciation and gratitude for the expert assistance and effort put forth by the American Association for Labor Legislation in the interest of the proposed federal workmen's compensation act covering longshoremen and ship repairmen employed at the docks. I particularly desire to express our gratitude to John B. Andrews, your secretary, for his untiring and yeoman service rendered in our behalf in connection with this legislation.

It may be surprising to you to know that there are only three groups of workers who do not now enjoy the untold benefits of workmen's compensation—the railroad workers engaged in interstate commerce, the seamen and the longshoremen. For a number of years we have been striving to have Congress enact legislation providing workmen's compensation for the longshoremen. This, Congress did upon two previous occasions, but each time they passed such a bill it was declared unconstitutional by divided opinions of the Supreme Court of the United States.

In deciding the so-called Dawson case[1], the Supreme Court held that Congress erred in the legislation that it passed heretofore—that there was no question but that Congress may provide for the longshoremen by enacting a federal employer's liability act, or a workmen's compensation act, but the latter must be uniform in

[1] State of Washington v. Dawson & Co., 264 U. S. 219.

character. The bill now pending before Congress, drafted after a lengthy study, is fully in accordance with the views expressed by the Supreme Court in the Dawson case.

The railroad workers engaged in interstate commerce, so we understand, prefer the federal employers' liability act to that of workmen's compensation, as do the seamen who in addition have compensation in a way through the ancient maritime law of maintenance and cure and wages to the end of the voyage.

The Senate of the United States passed our bill in June, 1926, but failed, however, to provide an adequate rate of compensation. The House Judiciary committee after lengthy hearings by a unanimous vote reported out our bill providing therein a fair and adequate rate of compensation. However, owing to the tremendous opposition of the steamship interests, insurance companies and the manufacturing interests through the chambers of commerce, Congress failed to enact into law this much needed legislation notwithstanding the fact that the proponents pleaded with the House Committee, advising that they would be willing to sacrifice the more adequate rate provided in the House Report and accept the Senate bill as passed in order to get the legislation through without further delay. We took this position because at that time we had practically no standing in court owing to the common law defense being a tremendous barrier for us to overcome, and were denied the right of protection under the respective state workmen's compensation acts. **We were left out in the cold.**

However, on October 18th, last, the United States Supreme Court by a unanimous opinion in the case of the International Stevedoring Company *v.* Hagerty held that the longshoremen by reason of their doing the work that formerly was done by seamen are in a sense seamen and that Section 33 of the Jones Act of 1920, which has taken over bodily the employers' liability act for the protection of the seamen, is applicable to the longshoremen. Under this decision we now have the right to sue in admiralty, by which the vessel owner or contracting stevedore is denied the right to the so-called common law defenses—namely, contributory negligence, fellow servant and assumed risk defenses.

Since the rendering of this decision, my office has been flooded with letters from lawyers throughout the entire country, in which they attempt to point out to me that in view of this decision just

referred to there is no further need for workmen's compensation for the longshoremen, as we can get better protection and secure bigger verdicts in the courts. Many of the "ambulance chasing" class lawyers have gone so far as to approach the officers of our local organizations and offer them a commission ranging from 10 to 15 per cent of the verdicts they may secure on behalf of injured longshoremen if they will bring in the claims to their respective offices.

We have every confidence in the benefits of an adequate workmen's compensation law. We much prefer it, since it is the modern method of the industry taking care of its injured or disabled workmen and the dependents of those killed, or who die as a result of an injury in the course of their employment. We know this is the safe and sound method, and it is for this reason we are putting forth our very best efforts to prevail upon Congress to enact into law an adequate workmen's compensation law in behalf of the longshoremen and ship repairmen.

Many, many times there are very serious accidents which happen aboard ship, and then we find some of the legal professsion ready and willing to go to the injured workman, or to his widow, picturing to him or her the receipt of large sums of money which can be secured in verdicts just so that his or her signature is written on the dotted line. They are given every assurance—only to discover later that the promises were false and meant nothing to the injured or the widow and that these lawyers have forgotten all about the beautiful picture they previously painted when endeavoring to be retained in the case.

Let me call to your attention some of the most serious accidents that have occurred just recently. About two months ago an oil tanker was brought from the South to Baltimore, Md., to be rebuilt or reconditioned. As the ship was made fast to the dock and the workmen boarded her, a series of terrific explosions took place. No one knew what happened or what caused them but when the smoke cleared away and the fire died out eighteen poor human beings were found blown to atoms and sixty-two were seriously injured. Just a few weeks later in the same port another horrible accident occurred—where a French bark was taking on some highly explosive materials, and in a similar manner a terrific explosion occurred and when the smoke and fire cleared away nine human

beings were burned to a crisp and forty seriously burned. Then, more recently, in the port of New York more than forty longshoremen were aboard a gasoline launch being transported across the Hudson river to their work and they were drowned like rats in a trap.

In none of these cases can the widows or dependents of those who lost their lives, or those who were injured, claim one five-cent piece for damages because the law limits the liability to the value of the ship upon which the accident occurred, and it is my understanding that in each of these cases the ship is a total loss.

I point out these deplorable and gruesome accidents to emphasize the absolute necessity for enacting into law an adequate workmen's compensation bill for the protection of the longshoremen and ship repairmen. This, as you know, is the only sound, reasonable way in which the industry can take care of its crippled workers, or the dependents of those killed as a result of an injury. We do not want to get into the courts and gamble as to what we are entitled to. We want a workmen's compensation law to protect us.

May I not take this opportunity to beg of you most earnestly that when you return to your homes, you will either personally or by letter get in touch with your congressmen, asking that they use their voice and vote to the end that this legislation may be enacted into law at the present short session of Congress? I am quite confident that—with your continued full cooperation and support such as you have given us heretofore—ultimate victory will be ours and you will have the everlasting gratitude of the workers benefited thereby.

Missouri: The Newest Workmen's Compensation State

By Alroy S. Phillips

Chairman, Missouri Workmen's Compensation Commission

(Editor's Note: Mr. Phillips has been for years a leading champion of workmen's compensation in Missouri. With the adoption by this state in 1926 of a compensation law he has been appointed chairman of the state commission that will administer the new act. In the following article Mr. Phillips indicates that the spirit of real public service animates the commission, which promises well for just and effective enforcement.)

FINAL adoption by Missouri of a workmen's accident compensation law was achieved, significantly, because organized employers and organized labor, together with groups representing the public point of view, united in support of the act, which stands among the most liberal of our compensation laws.

That workmen's compensation has become a firmly accepted American principle is indicated anew by the representative character of this support and the overwhelming majority by which the act was ratified in the popular referendum of 1926. I cannot resist this opportunity to acknowledge the assistance given by the American Association for Labor Legislation to our successful campaign in Missouri. Among other features the Association prepared a map on which was shown in heavy black the few states still remaining without accident compensation laws. For several years we made effective use of that map. More copies of it, perhaps, were distributed in Missouri than in any other state. Now Missouri is being congratulated that she is no longer a "black mark" on the compensation map of the United States.

We realize of course that our new act is not perfect. Like other compensation laws it is open to improvement. There is immediate need to increase the maximum weekly payments provided in the laws of the various states. The Association for Labor Legislation should continue its efforts to this end. Increase of the maxima of compensation laws has not kept pace with the increase in the cost of living. The $20 weekly maximum allowed under the Missouri law, for example, is relatively not as great as a $12 weekly

maximum was in 1914. The country has outgrown the amounts allowed in the various compensation laws.

We who are charged with the administration of the Missouri act are trying to put into our organization the spirit of the law as we see it, which is to get employer and employee together immediately following an injury and reach a settlement at once. Efforts will be made to arrive at just awards under the provisions of the law with as few hearings as possible.

Our commission is also laying stress upon the important matter of collecting and analyzing accident statistics. A method of statistical presentation is being installed that will give a true and adequate picture of the number, nature and causes of industrial injuries —the necessary basis of a really effective drive for accident prevention. We aim to be able to tell each employer just how many accidents he is having and what they are costing him.

The Missouri act, as adopted, does not provide for a state fund for compensation insurance. Private insurance companies have been permitted to undertake the writing of this business. The character of the insurance provided determines to a large degree the success with which workmen's compensation works to the advantage of the injured employee and his dependents, to industry and to the community. We expect to see that the insurance companies do their duty. An insurance company which disputes its claims and does not do its full duty under the law should not be permitted to do business in the state. If we find any company not doing its duty, we expect to do our part in driving it out.

Our commission realizes that the effectiveness of labor legislation depends to a great extent upon its administration. We are proceeding with the single endeavor to give full effect, in letter and in spirit, to the provisions of the Missouri compensation act. We shall not hesitate to recommend the adoption of any improvements that time and practical experience may show to be desirable in making this modern, enlightened protection of wage-earners and their dependents against industrial injuries best serve the interests of employer, employee and the public.

Tricked by a "Shell Game"?

DURING the referendum campaign in Missouri which resulted in the final adoption of a workmen's compensation law, Missouri employers joined with commercial insurance companies in widely distributing a cartoon warning against a "counterfeit" compensation proposal on the ballot and urging voters not to be tricked by a "shell game."

When the campaign was over it appeared that the real "shell game" was being operated by the insurance companies and that the laugh was on the too-trusting employers.

How this game was played, and what happened when the employers discovered that they had been duped, is set forth in the accompanying article, "Missouri Employers Get a Lesson in Commercial Insurance Tactics."

Missouri Employers Get a Lesson in Commercial Insurance Tactics

By Frederick W. MacKenzie

INDIGNANTLY charging "deception," employers in Missouri recently rose in arms over the rates announced by insurance companies for workmen's accident insurance under the newly adopted workmen's compensation law.

The employers complain bitterly that the insurance companies had "promised" a substantial reduction from existing liability rates if the new law—which does not include a state insurance fund—were ratified in the 1926 referendum. With this "campaign bait," as they now characterize it, held before them, the employers through their state organization, Associated Industries, expended much zeal and money in working for ratification of the law. The law was adopted by a popular majority of more than two to one. Thereupon the insurance companies flashed upon the employers a "surprise schedule" which made them feel somewhat like a man who had been betrayed by a professed friend. The new rates did not show the promised reduction and in many classes they were enormously increased.

But Missouri employers, it quickly appeared, refuse to pay out their good money to play a "shell game"—when their eyes are opened. They struck back, hard. And in striking back they made revelations which should be of especial interest to employers in other states where commercial insurance companies are still permitted to carry workmen's compensation insurance.

It will be remembered that Missouri had an opportunity in 1924 to adopt an initiated workmen's compensation law which provided for an exclusive state insurance fund. Because of this provision, commercial insurance mobilized its resources and its army of agents to kill the proposed law. Through Associated Industries, employers were led into joining the insurance-company opposition in an intensive campaign against the proposal. It was defeated—largely by the votes of farmers to whom the proposal had been misrepresented, and who would have been in no way affected by it.

The present law—enacted by the 1925 legislature, ratified in a

referendum in 1926, and put into full effect on January 9, 1927—does not provide for a state fund, either exclusive or competitive, but—except for self insurance in certain cases—gives the private insurance companies a monopoly of the business. This law was of course enthusiastically championed by the commercial insurance interests. Working with Associated Industries, they secured the support of employers generally to this law by leading them to believe that it would result in considerable savings to industry. Organized labor, too, supported the law, although adoption of exclusive state insurance funds is a leading demand of the American labor movement. Both state and national labor federations declared that the law is the best that can be obtained now; that it should be sustained, and then at the first opportunity brought up to desirable standards.

At the outset of the 1926 referendum campaign, it was pointed out in this REVIEW[1] that Associated Industries had appealed for a fund of $200,000 to finance the statewide campaign in behalf of the law, and the following comment was made: "They are, it appears, willing to pay to get a law that is largely to the interest of their commercial insurance allies, especially if they have their help in accumulating the campaign fund. Perhaps they feel that a large sum is now needed to counteract their own successful propaganda in the rural regions against the much better workmen's compensation proposal of 1924."

As soon as the law was safely adopted and the insurance companies had sprung the new schedule of rates on their erstwhile trusting allies, things began to happen.

Employers demanded that their state organization, Associated Industries, explain what it meant by assuring them in the campaign that under the compensation law their insurance rates would be 20 to 25 per cent lower than under the old system. Associated Industries admitted that it had circulated such a promise but made the plea that it had been misled into doing so by the insurance companies.

Hearings were held before State Insurance Commissioner Ben C. Hyde at which "representatives of scores of Missouri industries" protested heatedly against the new manual of premium rates which

[1] "Accident Compensation Campaign in Missouri." *American Labor Legislation Review*, Vol. XVI, No. 2, June, 1926, pp. 134-135.

had been issued by the National Council on Compensation Insurance, a rate making body for all insurance companies.

Instead of the anticipated reduction in rates of 20 to 25 per cent, it was brought out, the average reduction for all classifications was only 7 per cent, while in many kinds of employment there was a staggering increase. In coal mining, for example, the new rates showed an increase of 60 per cent for strip mining and nearly a 200 per cent increase for deep shaft mining. Lead and zinc ore producers declared they were faced with a 100 per cent increase in cost of insurance "after being assured by their local insurance agents, before the passage of the law, that there would be a decrease."

The issue was sharply raised at the hearings between the insurance companies and Associated Industries as to responsibility for the "deception." Mr. L. L. Hall, secretary of the National Council on Compensation Insurance, denied that the insurance companies had made a virtual contract with the industries for lower rates, before adoption of the law. Whereupon an interesting letter was produced. Associated Industries had, in 1925, in advance of the referendum, written to the National Council on Compensation Insurance asking for a comparison between rates under the existing employers' liability plan and the compensation law. In a long and studied reply to this, William Leslie, general manager of the insurance Council, used these phrases— ". . . it seems entirely safe to talk in terms of the general or average comparison. . . . We have calculated that the Missouri compensation rates would have been between 20 and 25 per cent lower on the average than the present employers' liability rates for 10-20 limits and full medical aid. It is likely that this ratio will remain approximately the same." This letter had been accepted as a "promise" of reduced rates to employers. Mr. E. E. Matchette, representative of Associated Industries, rose to say that he would leave it to the judgment of the people of Missouri whether his organization or the insurance companies had deceived them.

As a result of their action, commercial insurance companies found that they were in danger of losing the business they had created for themselves under the law with the aid of the now disillusioned employers. A committee of Associated Industries began to consider the formation of an employers' mutual insurance company to carry the workmen's compensation insurance. Plans were also under

way to have the legislature at its 1927 session amend the compensation act so as to provide for a state insurance fund. Speaking at the annual meeting of the American Association for Labor Legislation at St. Louis in December, Chairman Alroy S. Phillips of the Missouri Workmen's Compensation Commission gave warning that "if we find any insurance company not doing its duty, we expect to do our part in driving it out."

Further action on the part of the employers was halted—at least temporarily—when, in January, State Insurance Commissioner Hyde ordered a drastic reduction of rates in the insurance companies' "surprise schedule." This reduction affected 94 of the 694 classifications covered by the rate schedule. The 94 classes, it is stated, represent about 80 per cent of the volume of workmen's compensation insurance. The average reduction from the insurance Council's schedule on these classes was 19.7 per cent. Hearings will be held later on the rates for the remaining 600 classifications if the affected employers demand reductions. The reason given for temporarily approving these rates as filed by the insurance companies is that the insurance commissioner had only a limited time under the law to approve the rates and in this time he was able to investigate only the 94 principal classifications. Present reductions were ordered by the state insurance commissioner on the ground that the "surprise schedule" rates were in excess of what was "fair, reasonable and adequate."

The insurance commissioner also issued orders designed to prevent the insurance companies from "allowing a rebate" on workmen's compensation insurance to favored employers at the expense of small insurers through so-called "combination coverage."

Out of this experience with commercial insurance tactics, Missouri employers may be moved to demand straight answers to two questions:

(1) Do employers' organizations, like Associated Industries, really serve the employers' interests when they take their cue from self-serving commercial casualty companies on public matters affecting the amount the employers must pay to these insurance companies for necessary protection?

(2) Why shouldn't all employers insist upon having the opportunity to carry their workmen's accident insurance in state funds, since in the states where such funds are already in operation they have consistently resulted in tremendous savings to industry?

Massachusetts Commission Endorses State Fund Principle

THAT exclusive state funds for workmen's accident compensation are a proper function of the State is the unanimous conclusion of a special legislative commission created in Massachusetts a year ago to investigate the operation of the workmen's compensation law.

This significant declaration is made in the commission's report recently submitted to the legislature.

The commission did not reach agreement upon a specific proposal for adoption of a state fund in Massachusetts. Three of the five members, however, made recommendations that would open the way to state fund insurance. Two members would have the compensation law made compulsory as a first step before establishing a state fund. One member urges immediate adoption of exclusive state fund insurance similar to the plan long in successful operation in Ohio.

With respect to state funds, the commission is unanimous in saying:

"There is nothing theoretically impossible or wrong in the exclusion of the insurance companies from workmen's compensation. They have no vested right in the business of insuring employers against the payment of compensation. Nor is there anything impossible or wrong in the State taking over this function. Nothing is gained by calling such a step monopolistic. Indeed, as originally drafted the law contemplated one mutual company of all the employers who accepted it with a monopoly of the insurance, thus excluding all companies from any share in it. Nor is anything gained by calling the suggestion socialistic. A form of insurance which the law practically, though not legally, requires of employers by depriving them of their common law defenses is not a purely private business. The State may properly supply its citizens with what it requires of them."

In its well-written report, this official Massachusetts commission makes a number of recommendations with a view to strengthening the workmen's accident compensation law, includ-

ing an increase of the $16 weekly maximum to $19; a substantial increase of payments for certain specified injuries; the making of its own rules for evidence by the industrial board; the creation of a special fund to promote vocational rehabilitation of industrial cripples; an increase of second injury fund payments from $100 to $200 in death cases where there are no dependents, and the inclusion of all occupational diseases as personal injuries. The commission urges retention in the law of the provision that if incapacity extends beyond a period of four weeks, compensation shall be paid from the day of injury, and also retention of the employee's right to select his own physician. What the commission recommends in these respects is encouragingly in line with modern developments in other states and in the direction of the standards formulated by the American Association for Labor Legislation.

Accident Prevention Stimulated by State Fund Compensation Laws

CANADIAN employers are outspoken in their acknowledgment that workmen's accident compensation laws, particularly those providing for exclusive state funds, are a direct incentive to accident prevention.

At the 1926 annual general meeting of the Canadian Manufacturers' Association, held in Toronto, the association's committee on industrial relations declared in its report:

"With five compulsory state insurance systems of workmen's compensation in force in Canada it becomes increasingly clear that too much attention cannot be paid to the prevention of accidents. Under the present Canadian legislation, as is well known, the employer must pay compensation for practically every accident regardless of whether he is in any way responsible or not. This obviously means a heavy financial burden; and therefore, in addition to the humanitarian, there is a direct financial reason for doing everything possible to reduce accidents. The charge is sometimes made by the private insurance companies that a compulsory state system is bound to fail in accident prevention because there is not the same direct incentive to reduce accidents as when the individual employer's rate is determined entirely by his individual accident record. Without admitting the charge, it is well to remember that in a sense accident prevention is the "acid test" of the compulsory state insurance system. In other words, if the compulsory state system were to breed slackness in accident prevention, it might almost be pronounced a failure. The fact, however, is that the employers in the various provinces where compulsory state systems are in force, have developed effective organizations for grappling with this problem, and are sparing no efforts to achieve results."

California Commission Now Urges That State Fund Be Made Exclusive

FOLLOWING twelve years of conspicuously successful experience with a competitive state fund for workmen's accident insurance, the California State Industrial Accident Commission, in the outstanding feature of its recent annual report, now urges that this insurance be carried exclusively in the state fund.

The Commission declares that then the Fund "will be in a position to place California in the front rank of all the states in the matter of providing the victims of industry with remedial and restorative relief, with lowered cost to employers."

An exclusive state fund, the Commission concludes, will "turn downward the present upward trend of compensation insurance rates and, at the same time, by reason of the elimination of the waste that is characteristic of the competitive insurance-selling system, produce such additional revenues as may be needful to provide substantial additional benefits to both employer and employee."

It is also pointed out in the report that when the state fund is made the exclusive carrier of compensation insurance, the commission will be in a position more effectively to "combat the rising tide of industrial injuries." Inspections will be designed to aid employers in accident prevention.

"The accomplishments of the Fund during the twelve years of its existence," says the commission, "have been such as to inspire the absolute confidence of the insuring public. The Fund has more than justified its existence. Despite its restriction to a competitive field, it has been more than self supporting. It has written insurance at competitive rates and has returned to its policy holders refunds that have, for several years, averaged 30 per cent of the premiums originally paid. These refunds aggregate over $11,000,000. The Fund has paid into the accident prevention fund a total of $929,986.50, such payments being in lieu of, and comparable to, tax payments made annually to the state by commercial insurance carriers. In addition it has built up a reserve fund for the possible 'rainy day' in excess of $2,000,000. In view of this splendid record, the commission feels that it is entirely reasonable to propose that the Fund

be stripped of its competitive chains and that it be given a monopoly of workmen's compensation coverage in this state."

Eight laws now have exclusive state funds—Washington, Oregon, Nevada, Wyoming, North Dakota, West Virginia, Porto Rico, and Ohio. The commission points to the fact that the California state Fund has been, from its inception, partly exclusive in that all the political subdivisions of the state are required to carry their compensation insurance with the state, or self insure, and declares that it is, therefore, only a short step to a completely exclusive state Fund—"the next, logical, forward step toward the ultimate, preordained destiny of the Fund."

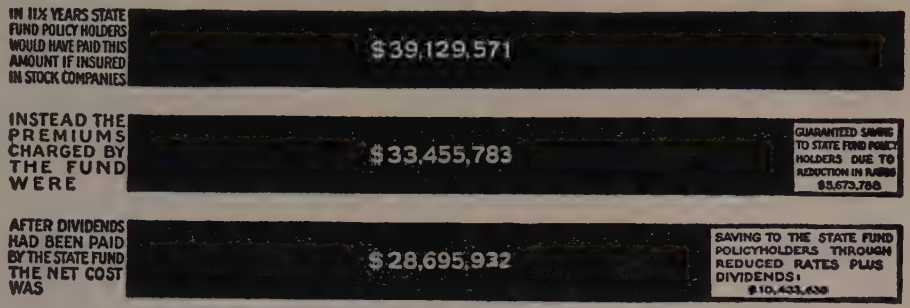
It is significant that official commissions in two important industrial states—one on the Pacific and the other on the Atlantic—should in recent reports appearing almost simultaneously strongly uphold exclusive state fund insurance as a proper function of the State. A Massachusetts legislative commission (see page 27 of this Review) now unanimously declares that "there is nothing theoretically impossible or wrong in the exclusion of the insurance companies from workmen's compensation" and that "the State may properly supply its citizens with what it requires of them," although it does not recommend immediate adoption of a state fund. The California commission, out of years of practical experience, holds not only that a state may properly establish an exclusive state fund but also that it is of "paramount importance" for it to do so. Says the concluding paragraph of the California commission's report:

"The members of the Industrial Accident Commission are in complete agreement with the great majority of our citizens who hold that, under ordinary conditions, the state should not enter into competition with private enterprise; that such activity should only be encouraged when it shall become apparent that the state can perform a service that cannot be performed at all, or with only meagerly comparable results, by private enterprise, and then only when some social, industrial or public need of paramount importance demands it. It was such a need that prompted the state to enact the workmen's compensation act, with the provision for the state compensation insurance fund. To suggest, therefore, that the Fund be given a monopoly in writing workmen's compensation insurance in California is merely to propose that the state proceed, in an orderly, business-like way, to the consummation of this great, humanitarian activity."

OVER TEN MILLION DOLLARS DIFFERENCE

The State of New York, through the State Insurance Fund, Provides Workmen's Compensation Insurance at Cost

THIS ILLUSTRATION SHOWS THE SAVINGS



Ask Us For Rates

STATE INSURANCE FUND
432 FOURTH AVENUE, NEW YORK, N. Y.

Employers who insured in the New York State Insurance Fund for workmen's compensation, rather than in commercial insurance companies, during the past 11½ years—as shown graphically in the above advertising chart—SAVED a total of $10,433,639.

New York Industrial Survey Commission Makes Its Report

THE character of the report just made to the New York legislature by the so-called Industrial Survey Commission was not wholly unexpected. The commission was created by the 1926 legislature as a means of evading action on a number of important bills limiting women's hours and strengthening the workmen's compensation law. This dilatory "stunt" was engineered by Mark Daly, lobbyist for Associated Industries, Inc., and put through by a reactionary Republican majority. The "investigation" was originally supposed to take a year. Later, in an address to businessmen announcing that Associated Industries was financing assistance to the state's committee in assembling facts, Mr. Daly further illuminated his tactics of delay by declaring that the inquiry "will require two years to complete." Now, in its most significant recommendation, the commission urges a cessation of protective labor legislation for five years!

Briefly, the commission favors a 48-hour week for women and children which is, owing to elastic provisions for overtime, really a 49½-hour week. It recommends several changes in the workmen's compensation law, some of which are in accord with a widespread and desirable trend, while others would jeopardize adequate benefits for injured workers. It opposes the adoption of an exclusive state fund for workmen's accident insurance, and the inclusion of all occupational diseases under the compensation law. The commission concludes its report with the recommendation that the legislature make the several changes in the labor laws now proposed by the commission and then **call a complete halt for at least five years on legislation relating to working hours and the benefits of workmen's compensation.**

The amazing proposal that the legislature thus tie its own hands for half a decade overshadows in immediate importance all other matters in the report. If taken seriously it would fasten Mr. Daly's dilatory tactics upon the state with a vengeance. Two members of the commission in separate reports object to this vigorously. Says Vice President Koveleski of the New York Federation of Labor: "The continual changing of industrial processes and the possible coming in of entirely new crafts and occupations may of themselves

alone require readjustments in the compensation law." And Assemblyman Hackenburg declares: "Even a legislative committee cannot stop the clock of time."

Here is a call to progressive citizens and friends of protective labor legislation to concentrate their efforts in resisting a bold attempt to hamstring a great industrial state in the performance of its duties and responsibilities toward its industries and its citizens.

Abolish the "Short Session"

ANOTHER "lame duck" session of Congress comes to an end March 4. Meanwhile a resolution proposing a constitutional amendment to abolish these short sessions, and permit newly elected members of Congress to take their seats two months instead of thirteen months after their election, still remains on the calendar of the House where it has reposed without action for four years. This proposal, which has been approved by the executive committee of the American Association for Labor Legislation, and is urged by the American Bar Association, has three times passed in the Senate. The House is known to be overwhelmingly in favor and the only organized opposition visible is inspired by Washington merchants who figure that several thousand fewer people would do their Christmas shopping at the nation's capital if the "lame duck" session were abolished! Party leaders prevent the House committee's reported recommendations from coming to a vote. Under the existing outgrown provision of the constitution, unless the President happens to call a special session following the "short session," the voice of the people as expressed in congressional elections does not have a chance to be registered in legislation for a year and a month. With modern transportation facilities, a new Congress can easily assemble at Washington within two months following its election. Why should repudiated representatives be allowed to continue legislating in "lame duck" sessions? Why should important legislation be jeopardized by filibusters in the closing hours of a session that ends at a given moment by constitutional mandate?

Progress Toward Old Age Pensions

OLD age pension legislation is an immediate issue in the 1927 sessions of a score of state legislatures. Back of the pending bills is a public demand that has grown to impressive volume during the past four years.

Progress of the movement, long in preparation, to extend enlightened protection to the aged and needy veterans of industry is shown in a memorandum prepared by the American Association for Labor Legislation at the request of several state organizations and distributed in many states during the present year as an aid to legislative action.

In 1922, the Association for Labor Legislation, with a view to securing improved draftsmanship and more uniform legislation, proposed a representative conference from which emerged what is known as the "standard bill" for statewide old age pensions. This bill has been ably supported by many social service organizations, church bodies, fraternal societies and labor unions, notably the Fraternal Order of Eagles and the United Mine Workers. It has served as the basis for existing legislation.

Already non-contributory old age pension legislation has been passed by eight legislatures, and is in operation in Alaska, Montana, Nevada, Wisconsin and Kentucky. The Pennsylvania act of 1923 was held unconstitutional because of an unusual provision in the state constitution, but action is under way in the Legislature to have the constitution amended so as to permit this legislation. In California (1925) and Washington (1926) old age pension bills were passed by the legislatures with overwhelming majorities but were vetoed by reactionary governors—the California governor having since then been defeated and the Washington governor faced with a strong movement for his recall.

Official investigating commissions in Indiana, Virginia and Massachusetts have reported in favor of old age pension legislation, and a legislative commission is at present making an inquiry in New York. Additional important investigations have been made recently, including a nationwide inquiry conducted by the federal Department of Labor in cooperation with a number of fraternal societies, and studies by old age pension administrative officials in Pennsylvania, Montana, Nevada and Wisconsin.

The findings in all of these official inquiries, reported in earlier numbers of this REVIEW, are in remarkable agreement that—

A high percentage of persons over 70 years of age are without income.

These aged dependents are mostly worthy citizens of good character.

Conditions in poorhouses where many are forced to end their days are pitiful and frequently revolting.

The existing poorhouse system is more costly to the community than old age pensions.

Statewide old age pensions are desirable from both an economic and a humanitarian viewpoint.

The standard bill for old age pensions embodies the same principle as that underlying mother's pension laws which have been enacted in forty-two states, two territories, and the District of Columbia. It is designed to keep families together where there are aged dependents instead of abandoning these citizens, who have been worn out in the service of industry, to the callous neglect of de-humanized poorhouses.

Progress in old age pension legislation has been encouraging. Prospects for further advances in 1927 are bright. Legislators, as well as the public, are increasingly coming to a realization that complex modern industry thrusts aside the aged or incapacitated worker as a useless economic factor; that relatives or friends may not be able or willing to carry the burden; that existing private pension systems are an insignificant factor; that charity care is inefficient and unsatisfactory, although large sums are expended, and that the practical and humane method of caring for aged dependents is through statewide old age pensions.

The American Association for Labor Legislation continues its active educational and legislative campaign, and invites the support of all citizens interested in this important field of social insurance.

Health Insurance Law Works Well

"IN Germany and England, national Health Insurance has been adopted as an official program and whatever doubts may exist as to the wisdom of combining cash benefit relief for disability due to illness with the medical care of such illness, a recent visit to England has convinced me that, thanks to the increasing supervision of the Ministry of Health, the plan is working better in that country than its unsympathetic critics (of whom I have been one) would have believed possible five years ago. The same movement is spreading with astonishing rapidity throughout Central Europe."—C. E. A. WINSLOW, *Yale University, in his presidential address before the American Public Health Association, 1926.*

Private Pension Plans in Industry Wholly Inadequate, Official Commission Finds

Statewide Old Age Pensions Urged as Only Effective Method of Caring for Aged Dependents

PRIVATE pension plans by industries for retiring aged employees are conspicuously inadequate and uncertain.

The needs of the aged poor can be effectively met only through old age pension legislation.

These are the outstanding findings of the Pennsylvania Old Age Pension Commission as a result of a recent comprehensive investigation of industrial pension schemes in the United States.[1]

With respect to private industrial pensions, the commission concludes that "as pension obligations are now carried, unless our present business prosperity continues without periods of reaction, it is likely in the long run, that **public or charitable agencies will be forced to assume the maintenance of many thousands of workers whose employers had led them to expect that they would be granted pensions in their old age.**"

"The ever-increasing per capita output in industry and the changing conditions of life generally in most industrial communities," says the commission, "are markedly shortening the average working-life of the great mass of men and women engaged in industry. The average amount of the savings accumulated by the wage-earner who has been retired from his job, is not sufficient to maintain him in old age. * * *

"After studying at length and in great detail the highly meritorious efforts which are being made to care for some 5 or 6 per cent of all the needy aged in this country by private employers, the commission finds that it is more than ever justified by the facts of the case in concluding that **through legislation alone can the needs of all the indigent aged who have contributed their share towards the welfare of this nation and commonwealth be met adequately.**"

In the United States, the commission finds, about 400 industrial concerns have established pension plans. As a rule only large and prosperous firms are in a position to undertake industrial pensioning, and two-thirds of all wage-earners so covered

[1] "The Problem of Old Age Pensions in Industry: An Up-to-date Summary of the Facts and Figures Developed in the Further Study of Old Age Pensions." Harrisburg, Pennsylvania Old Age Pension Commission, 1926. 126 pp.

are in public service industries. The average industrial pension is estimated to be $485 a year. The total number of persons now receiving such pensions does not exceed 100,000. There are probably 1,800,000 dependent aged persons 65 years of age and over in this country. **Only 5 to 6 per cent, therefore, of all needy aged are being provided for through pensions from firms that have employed them.**

Unguaranteed pension plans are declared to be "worthless," and the "precariousness" of the so-called contractual plans is illustrated by the fate of the pensioners of Morris & Company, meat packers. This well known packing firm had in 1909 established a separate pension fund on the basis of contributions from employees and the company. The contributions of the employees which amounted to 3 per cent of their salaries and wages were deducted from their pay, while the company contributed $25,000 a year and set its maximum liability to the fund to the sum of $500,000. When Morris & Company was merged with Armour & Company in 1923, the latter firm refused to assume responsibility for pensioning the 600 retired employees. It was decided by the circuit court that neither firm could be held responsible for continuance of pensioning.[2]

"Perhaps the failure of a few more pension plans is necessary to awaken public opinion to the dangers inherent in the present condition," says the commission. "But it would seem inescapable that some provision for the great mass of workers who are unable to qualify under the strict requirements of the private pension plans, cannot for long be delayed. Modern old age dependency is a direct hazard of industry. The principles underlying workmen's compensation laws must also apply to the case of old age pensions. * * * Despite voluntary efforts towards the installation of safety measures and the prevention of industrial hazards, workmen's compensation laws were found to be indispensible and now few employers would want to go back to the earlier days. State action became unavoidable in the case of mother's pensions, although the most laudable private efforts were made to alleviate this disastrous condition. Practically every civilized country on earth has already recognized the same necessity in the case of old age dependency. Is it to be expected, therefore, that the United States alone will succeed in escaping such state-wide action when almost 95 per cent of the people needing this relief are left totally uncared for?"

[2] Cowles *v.* Morris & Company. (Circuit Court, Cook County, Illinois, March 21, 1925.) This decision was upheld by the Appellate Court of Cook County, December 21, 1926, and it was announced that the case will be carried to the State Supreme Court.

Sidestepping the Coal Problem

GOING BACK

—*The Star* (London).

THIS cartoon appeared recently in England, but the point it makes now appears to be applicable also in the United States.

Great Britain is muddling through a disastrous "coal war" with the basic problems still unsolved. The United States, faced with another serious coal strike, does nothing to avert its possibly grave social and industrial consequences. Congress and the President, as set forth in the following article, once more fail to meet their joint responsibility for adopting legislation essential to the stabilization of the coal industry.

A Coal Crisis by Default—?

WHAT may prove one of the most serious coal strikes in the history of the United States appears imminent as this number of the REVIEW goes to press. On April 1, the Jacksonville Agreement of 1924 will expire in the bituminous coal industry and miners and operators are sharply divided over the terms of a new agreement. Such a strike, with possibilities for an industrial crisis, has hung like a threatening cloud over the country for many months. What has been done at Washington to aid in lifting this basic industry out of chronic chaos, to promote coal mine safety and to stabilize employment?

As a result of the five months' suspension of work in 1922, Congress yielded to public demand for action and created the United States Coal Commission—a fact finding body.

The commission finished its intensive investigation in September, 1923, after having spent about $600,000 of public funds in gathering a vast array of facts about the coal industry, including important data on safety and unemployment.

Congress pigeon-holed the report. It was only after persistent efforts by the American Association for Labor Legislation that Congress authorized the printing of the report—seventeen months after the commission had gone out of existence. Nine months more passed before the report was actually printed—a delay of more than two years.

Then came a prolonged strike in the anthracite coal industry which resulted in great public inconvenience and hardship during the winter of 1925-26. Still Congress ignored the report.

Meanwhile President Coolidge mildly suggested to Congress that it study the proposals of the coal commission and, in his message of December 7, 1926, with another bituminous strike looming up, recommended passage of "such legislation as will assist the Executive in dealing with such emergencies through a special temporary board of conciliation and mediation and through administrative agencies for the purpose of distribution of coal and protection of the consumers of coal from profiteering." He said nothing about putting into effect recommendations of the commission looking to a permanent solution of the coal problem, beginning with the creation of a government fact-finding body to function all the time.

As the New York *World* has suggested, the President has put the commission's report "in cold storage." It is significant that Edward T. Devine, who served as a member of the Coal Commission, in giving expression to his matured conviction at the 1926 meeting of the National Conference of Social Work, declared: "The responsibility for the failure to secure any consideration of the subject in Congress and any remedial legislation appears to me to rest squarely on the shoulders of Calvin Coolidge, since August 2, 1923, President of the United States."

Criticising Congress for ignoring the commission's recommendations, the New York *Sun* a year ago declared: "The obligation resting upon Congress to make some constructive use of this material is obvious and ought to be unescapable."

Yet as recently as January 13—with April 1 only two and a half months in the offing—necessary coal legislation was killed in Congress. The House committee on interstate and foreign commerce, by a vote of 16 to 6 pigeon-holed the Parker bill which would not only give the President emergency powers but also provide for the basically important work of fact finding. A more recent effort by Congressman Parker met a similar fate.

Continuous fact finding by a government agency is essential not only to the working out of a national policy with respect to coal but also—and of prime importance—to the adoption of adequate measures for coal mine safety and stabilization of employment. Chronic under-employment lies at the very vitals of the labor problem in the bituminous coal industry.

Nearly three and a half years have passed since the United States Coal Commision submitted its recommendations. There has been ample time for constructive action at Washington.

The "Sore Spot" in the Bituminous Coal Industry

(Editor's Note: In view of the imminence of a shutdown in the bituminous coal industry, timely interest attaches to the following report of a recent discussion of the chronic and acute under-employment in this great basic industry.)

CHRONIC under-employment has been the major labor problem in the bituminous coal industry.

This was emphasized by Professor George W. Stocking of the University of Texas in a round table discussion of labor problems in the bituminous coal industry held jointly by the American Association for Labor Legislation and the American Economic Association at St. Louis, December 30, 1926.

"It may be admitted," he said, "that the mine workers frequently live in squalid conditions, poorly housed, in areas remote from population centers, without adequate sanitation facilities, and with a minimum of comfort, and that they customarily work under unusually hazardous conditions. It is likewise true that the wage scale frequently falls below a level essential for a decent livelihood according to accepted American standards. These ills however are to a considerable extent symptomatic of a more fundamental infirmity. They are in part a reflection of the sheer inability of an overexpanded industry operating as it does on a part-time basis, to do better than it does. Even the problem of unionization, the yellow dog contract and the check off are intimately related to the problem of full-time operation. And full-time operation in the coal industry is essentially a problem of the organization and control of that particular industry."

Professor Stocking pointed out that from 1890 to 1923 the number of workers in the bituminous coal industry increased from 192,000 to 702,000, and that, **out of a possible 308 working days each year, the average number of days worked throughout the entire period has been but 214,** while during the year of industrial depression, 1921, the low record of 149 days was established.

"This chronic state of underemployment," he continued, "results in large part from the fact that the coal industry has suffered con-

tinuously from over-expansion throughout the history of its existence."

Over-expansion, he stated, seems to have had its origin in a maladjustment between the physical conditions under which coal has been found in nature and the rules of the game under which exploitation has been carried on.

Professor Stocking said the significant physical facts are that coal deposits have been found in all but ten states of the Union; that coal has been mined on a commercial basis in thirty-one states, and that coal occurs underground under a great variety of conditions which serve to place certain producers at a disadvantage in the competitive game of mining and marketing. Furthermore, he added:

"Coal mining, despite the tremendous energy it consumes in the mining process, has retained almost unmodified until the very recent past, the handicraft characteristics which it manifested one hundred and fifty years ago as it ushered in the Industrial Revolution. By a curious anomaly that industry which played the premier role in the inauguration of those changes by means of which modern production has been mechanized, has itself resisted tenaciously conquest by the machine, and it has remained to an amazing extent the simple handicraft which gave birth to the coal industry. Coal mining throughout the history of its existence as been in the main a pick and shovel proposition. The resistance of coal to the introduction of machine processes together with its widespread occurrence has made it relatively easy for the little business man with a surplus of initiative but with a small capital reserve to enter upon the production of coal. This situation coupled with the seasonal nature of the demand for coal, with the seasonal peak in prices, accounts for the beginning of the problem of over-expansion. Business men in large numbers have entered into the production of coal during those temporary periods when coal mining seemed likely to prove profitable."

Unrestricted competition, actuated by the profit motive, has resulted in coal mines appearing literally all over the place, while the widespread occurrence of coal under conditions of easy access has made difficult combination and concentration of control. However, Professor Stocking made the point that "competition has been modified in accordance with that good American principle—an equal opportunity for all." A guiding factor in wage negotiations between

miners and operators has been the so-called principle of competitive equality, which means that basic wage-rates shall be so adjusted that operators at different points will be placed in a position to compete with each other—"in short, a levelling off of the disadvantages under which normally high cost mines would operate." Controversy between miners and operators as to which side should bear the burden of applying the competitive equality principle has resulted in "frequent compromise," but by and large the principle has been so applied as to result in a wage structure designed to insure the continued existence of high-cost mines.

Operators sought a way out by resorting to the introduction of machinery and large-scale production, according to Professor Stocking. He showed that in 1890 6,000,000 tons of coal, representing only 6 per cent of the total coal mined in the United States, was undercut by machinery. By 1900 the percentage had increased to but 25 per cent with a total of 52,000,000 tons. By 1913, however, more than 242,000,000 tons, representing 51 per cent of the coal produced in the United States was undercut by machinery and to-day approximately two-thirds of the total is produced by this method. The effects of improvements in technique are suggested by an increase in the average tonnage per man from 2.56 tons in 1890 to 4.28 tons in 1922. But, he added, **"Mechanization has not solved the problems of the operators, and it has greatly aggravated the problem of unemployment.** Under unrestricted competition it has proved a delusion and a snare."

Figures presented by Professor Stocking show that overexpansion is acute. "Whereas the maximum annual production of bituminous coal during the past two decades has been 579,000,000 tons (in 1918) the mines are equipped and manned at the present time to mine approximately one billion tons. * * * On the average, annual capacity has exceeded average production by approximately 56 per cent. * * * Such excess capacity has called into the industry a surplus of man power. Despite the fact that the industry was overmanned in 1890 and has been continuously overmanned since that date and hence should appear to be unattractive to new workers the number of bituminous coal miners has increased from 192,204 in 1890 to 702,817 in 1923. * * * The result has been that **surplus man power in the industry has become the normal situation.** The existence of

more mines in the industry than have been necessary to meet the consumption requirements for coal has tended to keep in the industry a large number of miners working on a part-time basis. More men must be retained in the industry than are necessary to mine the total coal produced."

Free enterprise, in Professor Stocking's opinion, has not placed production in the hands of the economically fit. "Both the fit and the unfit," he said, "have continued to survive, and more miners have been encouraged to stay in the coal industry than the industry can well support. As a result **under-employment has been chronic and acute.** It remains the sore spot of the industry from the viewpoint of labor—a sore spot which will grow more inflamed under the irritating influence of continued mechanization."

The failure of competition to prevent the evils of over-expansion and under-employment, Professor Stocking stated, has led to "a confusion which at the present time threatens to become for the laborer complete chaos."

"The union is to-day facing a crisis, the seriousness of which seems to be unappreciated, and for the alleviation of which no adequate measures are being taken. The expansion in coal has resulted in a shift in production to those areas in which the union has never been strongly entrenched. The competition of non-union coal with its lower wage scale has made harder the way of the union operator. The Jacksonville Agreement of 1924 has necessitated the temporary closing down of a great many mines and in numerous other instances the operators have found it expedient to break their contracts and to resort to the wage-scale of 1917 and to operate their mines on a non-union basis. The defection from trade union ranks has been most marked in those border regions where the competition of non-union coal has proven more severe. Here, indeed, in many localities the power of the union seems to have been temporarily if not permanently broken. But even in the heart of the Central Competitive Field, the stronghold of unionism, although there has been no general break with the union, the Jacksonville Agreement has been sidestepped by evasion or subterfuge. * * * All the while non-union territory, either by reason of shift in production or a shift in organization from union to a non-union basis has been supplying a larger percentage of the total coal mined in

the country. During the heyday of the union's power in 1918, union miners produced approximately 71.7 per cent of the total coal produced. This percentage of 1925 had declined according to a recent estimate to about 33.2 per cent.[1] When one stops to consider that the non-union mines are equipped and manned to produce unaided more coal than the country consumes, the fate that may lay in store for the union, and hence for both the organized and unorganized laborer is indeed challenging."

The suggestion made by Professor Stocking in conclusion is that responsibility for such chaos in bituminous coal mining is "institutional," and must be laid at the door of the scheme of things under which our resources have been exploited. The problem "challenges the best thought of all those who have to do with coal—the operators, the public, the laborers—and perhaps the economists too."

Unemployment Insurance Suggested To Help Stabilize Employment In Bituminous Coal Industry

PROFESSOR CARTER GOODRICH of the University of Michigan, speaking at a round table discussion of labor problems in the bituminous coal industry held jointly by the American Association for Labor Legislation and the American Economic Association at St. Louis in December, made several suggestions as to what the miners' union, without abandoning its present purposes, might do toward stabilizing employment. "Three such proposals," he said, "are those of a check on men wishing to enter the industry; aid and encouragement to men wishing to leave it, and the provision of a greater incentive to regularization by the employers." The last-named proposal, he pointed out, might be made effective through a plan of industrial unemployment insurance similar to that now in operation in the clothing industry.

[1] (EDITOR'S NOTE: As this REVIEW goes to press, newspapers report that President John L. Lewis of the United Mine Workers of America criticizes the federal Bureau of Mines for making public a statement that 65.3 per cent of the bituminous coal now being produced in the United States comes from non-union mines, and only 34.7 per cent from union mines. He asserted that 60 per cent is being mined under union conditions.)

Market Trend of Bituminous Coal Shows Instability

F. G. TRYON of the United States Bureau of Mines discussed the effect of market developments of the past three years on the labor problem in the bituminous coal industry at a round table meeting held jointly by the American Association for Labor Legislation and the American Economic Association at St. Louis in December. He showed that the year 1923 was one of "artificial prosperity" for the industry due to heavy purchases for storage. The first two years of the Jacksonville Wage Agreement—1924 and 1925—were, however, "marked by profound depression." Less efficient mines were forced to close; the number of men on the mine payrolls decreased. The mines which managed to stay in operation have worked more steadily. The most striking fact was the shift in tonnage from union to non-union fields. For instance, production in the union state of Ohio fell off 31 per cent from 1923 to 1925, while in the same period the production of Kentucky increased 23 per cent, and the production of Logan County, West Virginia, increased 50 per cent. In 1926 another period of "largely artificial" prosperity set in. Mr. Tryon's findings emphasized anew that the bituminous coal industry suffers from chronic instability, with consequent demoralizing effect on steadiness of employment.

Congress Increases Compensation Rates For Injured Federal Employees

THE United States Employees Workmen's Compensation law, drafted by the American Association for Labor Legislation and passed by Congress in 1916, like many other earlier compensation acts, had failed to keep pace with increased costs of living. On February 7, the United States Senate adopted the House amendment increasing the maximum weekly compensation limit from $15 to $27, **an increase of 75 per cent.**

As the House Judiciary committee pointed out, in favorably reporting the bill, the increase in the cost of living since the law was enacted has worked hardship on the injured employee, who "suffers not only from the results of his injury but from the necessity, to which it is often impossible for him to adjust himself, of attempting to maintain himself and his family" on the original maximum allowance.

The substantial increase in the weekly maximum now provided by Congress is "reasonable," the committee declared, "when consideration is given to the advances in cost of living and wages since the standards of the present act were established."

Community Cost of the Francisco Coal Mine Explosion

NEARLY $300,000 is the estimated cost to the community of the mine disaster due to a coal dust explosion at Francisco, Indiana, December 9. In this coal mine explosion, 35 miners were seriously injured and 37 miners were killed. The dead miners left a total of 21 widows and more than 40 orphans.

The individual burden of suffering and deprivation and blasted lives caused by such industrial catastrophies cannot be measured. There is, however, a cost that falls upon the community, including property loss, charitable relief and workmen's accident compensation, that is roughly measurable in dollars and cents. How great a burden is thus thrown, needlessly, upon the community has been indicated in recent studies by the Association for Labor Legislation. The community cost of five of the most recent coal mine explosions, including that at Francisco, has reached the appalling total of more than two million dollars.[1]

Authoritative figures now available show the estimated community cost of the Francisco explosion to be as follows: property loss, $10,000; first aid contribution by the United Mine Workers of America, $3,000; public fund for emergency relief administered by the American Red Cross, $20,498.92; workmen's accident compensation under the Indiana law, $238,040—**a total of $271,538.92.**

This total may be set down as a minimum, since the compensation cost for the 35 injured miners, whose disabilities range from 8 days to 500 weeks, has not been finally determined.

The Francisco explosion in 1926 and the Sullivan explosion in 1925—both in the state of Indiana—together took 88 lives and burdened the community with a cost of well over half a million dollars. Two years ago, the Indiana legislature passed a bill to provide for rock dusting the mines to prevent disasters due to coal dust explosions, but the bill got "lost" and failed of enactment. A rock dusting bill is now before the 1927 legislature. Will the legislators give serious heed to the needless toll of the past two years in human lives, family suffering and community cost, and make certain this time that the rock dusting bill becomes a law?

[1] See *American Labor Legislation Review*, Vol. XIV, No. 2, June, 1924, p. 121; Vol. XV, No. 2, June, 1925, p. 94, and Vol. XVI, No. 1, March, 1926, p. 69. The community cost figures found, include Castle Gate, Utah, over a million dollars, Sullivan, Indiana, nearly $300,000; Overton, Alabama, at least $175,000; Wilburton, Oklahoma, about $327,000.

Mine Disasters Kill 349 In 1926!

PROGRAM OF PREVENTION

A MINE disaster due to a coal dust explosion at Francisco, Ind., December 9, in which **37 miners were killed,** brought the death toll for the past year as a result of 16 "major" coal mine explosions up to the shocking total of 349 miners. Here is the tragic roll call for 1926:

Disasters due to coal mine explosions occurred at Wilburton, Okla., January 13, **with 91 dead;** at Farmington, W. Va., January 14, **with 19 dead;** at West Frankfort, Ill., January 29, **with 5 dead;** at Helena, Ala., January 29, **with 27 dead;** at Horning, Pa., February 3, **with 21 dead;** at Nelson Creek, Ky., February 16, **with 8 dead;** at Eccles, W. Va., March 8, **with 19 dead;** at Port Carbon, Pa., May 6, **with 5 dead;** at Kingston, Pa. (anthracite), July 3, **with 7 dead;** at Moffat, Ala., July 21, **with 9 dead;** at Clymer, Pa., August 26, **with 44 dead;** at Tahona, Okla., September 3, **with 16 dead;** at Rockwood, Tenn., October 4, **with 27 dead;** at Nanticoke, Pa. (anthracite), October 30, **with 9 dead;** at Moundsville, W. Va., November 15, **with 5 dead,** and at Francisco, Ind., December 9, **with 37 dead.**

In the past five years 52 "major" coal mine explosions have caused the death of 1,574 miners.

In 1926, 16 explosions killed 349 men.
In 1925, 10 explosions killed 237 men.
In 1924, 10 explosions killed 459 men.
In 1923, 5 explosions killed 265 men.
In 1922, 11 explosions killed 264 men.

That the record for 1926 and 1925 is not quite as shocking as that for 1924 is doubtless due in a measure to the remarkable, though belated activity of coal companies, beginning in 1924, in installing the rock dust safeguard in their bituminous mines—activity which has continued in 1926 until more than 190 mine companies are now rock dusting. However, every year of delay by the states in adopting laws to require rock dusting of all bituminous mines means the tragic killing of about 300 men.

Scores of editors and writers have in recent months cooperated in the campaign for the prevention of needless coal mine accidents by demanding that state legislatures promptly enact laws to require the rock dusting of bituminous mines to prevent coal dust explosions.

How much longer shall these killings continue? ("The great explosions should not be considered to be normal occupational accidents," says the director of the federal Bureau of Mines.) When will the public insist upon removing for all time the dreaded spectre of violent death that stalks through the mines? These questions—which must here again be raised—have been asked in every issue of this REVIEW since December, 1922. And in each new issue, with but a single exception, it has been necessary to record the news of one or more new disasters.

Mine bureaus have existed for many years. Accident compensation laws have provided at least partial relief for those left dependent. **But safety standards are still inadequate. In ten years we have killed more than 25,000 coal miners!** The United States Bureau of Mines has shown that many of the worst hazards of mining can be eliminated. The director of the Bureau has declared that "explosions can and must be prevented." Results, however, depend upon local and state action.

In order to make safety work in the mines more effective the American Association for Labor Legislation is urging the adoption of a program for strengthening protective legislation, which includes—

1. The adoption of uniform legal minimum standards of safety;

2. The use underground of no explosive that is not after scientific investigation numbered among the "permissibles;" the strict limitation of "shooting off the solid;" and the use of shale or approved rock dust to check the spread of coal dust explosions;

3. Reward careful employers and penalize the less scrupulous, by the universal adoption of schedule rating for insurance under accident compensation laws, with a further graduated penalty for cases of willful failure to put into effect legal safety regulations;

4. An adequate mine inspection staff selected upon a merit basis of training and experience, fairly paid, for reasonably long tenure of office and protected from partisan interference whether political or industrial;

5. Greater public authority, federal and state, to procure and disseminate information, and to establish and maintain on a uniform basis reasonable minimum standards of safety.

The Association's program of prevention of needless coal mine disasters—discussed more fully in this REVIEW for March, 1924—has aroused widespread interest. It has been put forward during the past two and a half years with the active co-operation of the press, and after consultation with mine operators and engineers, representatives of the miners' organizations, state and federal mine inspectors, and an examination of published records.

As a result of the Castle Gate explosion in March, 1924, Utah promptly pointed the way by adopting the most comprehensive coal mine safety code in America, including the required use of rock dust. In 1925 three additional states—Pennsylvania, Wyoming and West Virginia—enacted laws providing for the rock dusting of bituminous mines.

Why should there be further delay in the other twenty-one bituminous states in taking the necessary preventive measures? Why continue NEEDLESSLY to destroy property in an essential industry and sacrifice additional hundreds of precious human lives?

Present Needs in Coal Mine Safety

By D. Harrington

Chief Engineer, Safety Service Division, United States Bureau of Mines

(Editor's Note: For years Mr. Harrington has been a prominent mining engineer in the West. In 1926, he was placed in charge of the engineering work of the federal government's mine safety service. In this article, which is published with the approval of the Director of the United States Bureau of Mines, Mr. Harrington emphasizes the lack of uniformity in coal mine safety provisions of the various states; points out that "our laws as to coal mine safety are woefully inadequate and out of date," and outlines a number of basic standards of safety, including rock dusting to prevent mine explosions, which "ought to appear in all coal mining laws.")

IT is generally acknowledged that discord in Great Britain's coal mining industry has brought the British nation to the greatest commercial crises in its history. While the coal mining industry of the United States is not as turbulent as that of the British Isles, there is little doubt that of our major lines of industrial endeavor coal mining is in the least satisfactory general condition as regards finances, safety of workers and probable future peace and prosperity. This state of uncertainty is chronic; at least it recurs at such comparatively frequent intervals as to be essentially permanent, and much of the lack of safety in our coal mines is chargeable to the lack of stability of the industry.

The present feverish rush towards maximum production, with phenomenally rapid raising of wages in some localities, cannot fail to be succeeded by a rapid deflation of output and possibly of wages; the sudden increase of underground personnel during the closing weeks of 1926 cannot fail to be accompanied by definite relaxation of safety precautions, and there will be equally great disregard of safety during the deflation when there will be a scramble by the workers to secure maximum portion of the meagre supply of available work, and the companies will establish the most rigid economies to try to avoid red balances, safety precautionary measures too often being among the first to be "hit" when economies are being instituted.

Coal Mining Is Extra-hazardous

Coal mining is inherently one of the most hazardous of our

major industries, due to the natural conditions under which the work must be done.

Over 95 per cent of our coal is produced from underground passages and the surrounding and overlying material must generally be more or less shattered in order to place the coal in form for transportation to the surface. The shattering or removal of supports of the roof and wall material makes difficult the prevention of accidents from falls of roof and coal which constitute about 50 per cent of our underground fatal coal mine accidents, or about 1,200 fatalities annually.

There must be installed comparatively intricate haulage systems to transport large quantities of coal distances of several thousand feet at relatively high speeds and in confined places, with resultant accident hazard somewhat comparable to that due to automobiles on surface streets and roads, haulage accidents causing somewhat less than 20 per cent of our coal mine fatalities with nearly 500 killed annually.

Explosions of gas or dust or both constitute about 12 to 15 per cent of our coal mine fatalities with about 300 killed annually—this spectacular hazard which gives to the general public its horror of coal mining as an occupation is really much less serious and much more readily controlled and its consequences avoided than are accidents from falls of roof and coal, or haulage accidents.

Electricity constitutes an ever increasing hazard in mines, though at present but about 4 or 5 per cent of our fatal accidents in coal mining is attributed to this cause, annual deaths thus being about 75 to 100. However, this record does not charge against electricity the fatalities from explosions with ignitions due to electricity, fatalities from this source in ten months of 1926 amounting to 108 from six explosions. If fatalities from explosions of electrical origin are added to contact electrocutions the total annual fatality list from electricity in our coal mines will readily reach 200.

Fatal accidents from explosives in coal mines are about on a par with those from electricity, or about 4 or 5 per cent, with about 100 killed annually, and as with electricity this does not include the fatalities from the numerous explosions annually initiated by the use or possibly the misuse of explosives, the number of explosions from this cause during the first ten months of 1926 being two with resultant 34 fatalities.

The remaining approximately 10 per cent of our coal mine fatalities with about 250 deaths annually includes such causes as falling into shafts, or from steep or high places, or in connection with machinery, or surface accidents, in other words accidents of a type met in numerous occupations other than coal mining.

Falls of Roof and Coal

With about 1,200 persons killed annually from falls of roof and coal, this type of accident is by far the most common, and the remedy for the excessive number of fatalities from falls of roof and coal is by no means simple or readily apparent or applied. The federal Bureau of Mines recognizes this in the recent assignment of the whole time service of J. W. Paul, one of its most experienced engineers, to a study of this problem, there being also placed largely at his disposal two other engineers to aid in the field and other work on this study. The state of West Virginia has assigned a man to cooperate with the federal Bureau of Mines in this study and it would appear very desirable that other coal mining states take similar action. Also, in my judgment, there should be aid in the study of the problem by a committee or possibly assigned investigators of various coal operators' associations, miners' organizations, mine inspectors' institutes and mining institutes or societies, preferably I believe in cooperation with the United States Bureau of Mines in order to insure coordination of effort with minimum waste of time or money.

Though the problem is decidedly intricate, there appear to be a number of precautionary measures which might be taken with the idea of reducing accidents from falls of roof and coal.

Instead of requiring fire bosses to act as laborers, making or placing or repairing doors, brattices, or stoppings or doing other work readily performed by a laborer, the fire boss should spend his time inspecting safety conditions especially at the faces and he should be given full authority to require immediate action by workers on suggestions not only as to placing props, but also as to bratticing, as to sprinkling, spragging of coal, etc. There should be full time inspection service of one competent safety inspector or fire boss for each 50 men underground and he should have full authority as to immediate enforcement of his suggestions and should be underground while the working shift is there. The face region should be

kept well timbered for a distance at least 50 feet back from the face, this to be done even where roof is supposed to be **good**; and the minimum timbering requirement should be the workmanlike setting of props at distances not over 6 feet apart or 6 feet from rib or face except where slightly additional distance may be required for mining or other machines or for haulage. Men who knowingly work under loose roof or wall material should be discharged forthwith and similar action should be taken if they fail to investigate conditions as to loose material as one of the first acts upon coming on shift. Many operating practices enter into the problem of falls of roof and coal, among them being width of openings or sufficiency of pillars, as well as methods of pulling pillars, or sufficiency of supports if pillars are not pulled; if squeezes or "bounces" or outbursts of coal occur this is usually due to poor methods of mining and both bring about dangerous conditions as to falls.

The ramifications of conditions affecting roof and coal falls are too numerous to be further considered here but the subject is undoubtedly the most important in accident prevention in present day coal mining.

Accidents Due to Haulage

Haulage accidents are largely the result of carelessness or negligence and responsibility rests about equally with the mine management and with the workers; in the final analysis haulage accidents are usually due to lack of discipline.

Haulage track and equipment are only too frequently defective in the extreme, and if more effort and money were expended in grading, alignment and maintenance of track and in the purchase and upkeep of up-to-date haulage equipment, there is no question that haulage accidents would be materially reduced. One of the most prolific sources of haulage accidents is lack of clearance between car or locomotives and timbers or walls, and one large coal mining company recently required that all obstructions be removed to points at least 30 inches from the rail and this was done in a number of mines at an outlay of many thousands of dollars. Haulage men are entirely too prone to take chances such as making flying switches, or getting on or off cars or locomotives when in motion, or riding on or between loaded cars and sooner or later the inevitable accident results. Miners or other underground men not as expert as the haulage men try to imitate the haulage

men in their dangerous practices also with fatal result. Unfortunately mine officials, including safety men, very frequently set the worst kind of example in connection with violation of sane sensible practices in and around haulage equipment, inasmuch as they do not hesitate to get on or off haulage equipment while it is in motion or to ride upon or between loaded or empty cars or on locomotives or to walk along dangerous places on haulage roads; and other workers naturally follow this example set by the bosses.

Coal Mine Explosions Preventable

In general widespread explosions are no longer mysterious nor are they particularly difficult to prevent. The fact that there continue to be explosions in our coal mines is due to ignorance, to carelessness, to disinclination to take the necessary precautions, or to deliberate taking of chances with knowledge that, even with the most disreputable practices, a widespread disaster is likely to occur only when there is present a chain of bad conditions.

It is known that nearly half of our explosions have been initiated by open lights. Since January 1, 1921, out of 1,538 killed in explosions, 747 met death in explosions resulting from open lights. Yet approximately two-thirds of our coal miners continue to use open lights, although there are available safe efficient electric lamps much more satisfactory for use than are the open lights.

A considerable number of explosions continue to be originated by black blasting powder or dynamite—143 out of the 1,538 fatalities just mentioned were killed in explosions due to explosives. About 85 per cent of the explosives used in coal mining is black powder and dynamite, yet there are available permissible explosives which when used correctly are practically certain not to cause explosions.

Many of our most disastrous explosions have been caused by blasting during the working shift, yet this is readily avoidable, since coal can be obtained efficiently when all explosives are excluded from the mine during the working shift and all blasting practice is carried to completion during the periods when the regular shift is out of the mine.

During recent years nearly half (in some years more than half) of our explosions have been initiated by electricity. Since January 1, 1921, out of 1,538 fatalities in explosions, 589 were killed in explosions due to electrical ignitions. In addition numerous fires

in mines have been caused by electricity. Yet electrical installations and equipment of open arcing sparking nature continue to be installed with little or no apparent thought as to possible dangers, and many are placed in mines known to be dangerously gassy. Notwithstanding the fact that there are available permissible or safe electric motors of various kinds, one of our largest coal producing states with many gassy mines had (in August, 1926) the unenviable record not to have to its credit the purchase of a single permissible electric motor, though thousands of open arcing electric motors are in use underground, many in gassy atmospheres.

Although it has long been held dangerous to use fans underground in coal mines, there has been during the last year or two a decided tendency towards underground booster or auxiliary fan installations with the inevitable harvest of mine explosions, four being caused fairly directly by underground fans in 1926, with a loss of 85 lives. The use of these underground fans in coal mines is unsafe and it is unnecessary, as air circulation can be secured much more adequately if the general ventilation practices and equipment of the mine are kept in efficient condition.

One of the problems confronting those who try to prevent explosions is that of excluding use of matches in gassy atmospheres. Numerous explosions have been caused by fire bosses or safety men in using matches to relight flame safety lamps when in gassy air; also a number of explosions originated where miners in closed-light mines used matches to light pipes or cigarettes, notwithstanding the fact that these men knew their act was dangerous and that smoking in closed-light mines was contrary to state law. In some instances the local operating officials do not try to prevent these dangerous practices; in other cases they, too, break the law and when an effort is made to prevent smoking in gassy mines frequently the precautionary measures are anything but adequate or effective. It is difficult to understand the laxity as to this matter of smoking in gassy mines and often apparently both the underground workers and the local operating officials are willing to risk a mine explosion rather than use a little discipline as to the smoking habit.

The prevention of mine explosions is a matter of using safe methods, practices and equipment.

Since methane ignitions give explosions a maximum "kick," adequate ventilation is the main essential in prevention of mine ex-

plosions, in that methane accumulation is avoided if ventilation is adequate. There should be ample fan capacity on the surface in fireproof housing. There should also be ample air ways for both intake and return air with air coursed to faces through splits of 10,000 to 20,000 or more cubic feet of air per minute. Each split should be held separate from all others until it enters the main return. There should be a minimum number of doors in the mine, placing reliance upon solid fireproof overcasts, stoppings and regulators for air diversions. Underground fans should not be allowed and air should be coursed from the last open crosscut to the faces by line brattices. There should be no open flames allowed in any coal mine, the miners using permissible electric lamps, the inspectors using permissible flame safety lamps for gas inspection purposes; and when flame devices must be used for track bonding or other purpose underground it should be done with the main shift out of the mine and the work done in intake air. Black blasting powder and dynamite together with fuse should be excluded from coal mines and no explosive should be allowed in coal mines while the working shift is in the mine, thus throwing all blasting operations to the off shifts to be done by shot firers using permissible explosives and electric blasting. Electrical wiring and installations should be at least as carefully placed as is done in surface structures and where feasible kept in intake air; none but permissible electrical equipment should be used where such is available and repairs should be so made as to preserve the permissibility of the equipment.

Safeguard Explosives and Electricity

Most of the accidents from explosives are due to use of the highly flammable black blasting powder and to blasting while the working shift is in the mine. If all explosives were kept out while the shift is in the mine and if all blasting were done by shot firers when the regular shift is out of the mine and blasting were done with permissible explosives fired electrically, blasting accidents would undoubtedly be materially reduced.

Accidents due to contact electrocutions by electricity are due to lack of precaution in the grounding of mining machines, pumps, hoists and other electrical equipment in mines and to having unguarded, uninsulated or poorly insulated wires, switches, etc., in mines. The remedy is that underground electrical wiring and other

electrical installations should by all means be at least as carefully placed as similar work on the surface. Unless this is done there will continue to be an increasing list of deaths from electricity in our coal mines. Also there is frequent lack of careful or intelligent inspection of underground electrical installations either by the company or by the state and electrical repair work underground is none too often carefully or efficiently done. Those who operate electrical equipment underground frequently know little or nothing about electricity or its dangers and in their ignorance they do things and "take chances" which often result in accident to themselves or to their fellow workers. The remedy as to electrical accidents is readily apparent but difficult to apply, since mining companies frequently do not care to spend the necessary additional money to insure safe electrical installations and safe maintenance of them; in addition it is anything but easy to educate underground workers as to safe use of electricity or to secure adequate state or company inspection of electricity in mines.

Cooperation Needed in Mine Safety

While much devolves upon the local management and local workers in maintaining coal mine safety, there are numerous influences operating outside of coal mines which have a vital, generally unfavorable influence as to prevention of accidents in coal mines. Owners or managers of coal companies, many of whom rarely go into mines, control the purse strings and in so doing may easily make or mar a mine's safety. Sales agents frequently force unsafe mine practices in connection with blasting, sizing or preparation. The coal-consuming public in refusing to store coal in spring and summer and in demanding maximum tonnage in minimum time during fall and winter provides a decidedly definite influence toward accident occurrence in coal mines.

The underground workers in many ways obstruct rather than aid in the making of mines and miners safe. They offer the bitterest of opposition to the universal use of the up-to-date safe and efficient electric cap lamps. The use of permissible explosives instead of black blasting powder or dynamite is usually resisted violently by the workers. When a mining company attempts to change from the dangerous practice of solid shooting to the safer and more nearly up-to-date one of cutting the coal by machinery too frequently the

change is made only after a fight with the workers. When a miner is instructed to set a prop to protect his own life he generally resents being told what to do and frequently fails to do it unless the official remains until the prop is set; when told to use permissible explosives he frequently smuggles dynamite into the mine and uses it; when he is required to walk a few hundred feet to get safe clay or dirt for tamping of blasting holes, he frequently uses coal dust, though he knows it is a decidedly dangerous thing to do; when told not to use more than three sticks of explosive per blasting hole he very frequently uses five, six or more, though in doing so he not only breaks the coal unduly but also risks his life as well as the lives of his co-workers. This list of the workers' delinquencies, in cases risking only his own life but in others risking those of hundreds of co-workers, could be multiplied several fold. Unfortunately much, probably most, of the difficulty is not due to ignorance as to what is safe practice, and the remedy is one of the most difficult encountered by safety men in the attempt to save the lives of our coal miners.

Coal Mine Safety Laws "Woefully Inadequate"

Our laws as to coal mine safety are woefully inadequate and out of date; in addition they are very different in each state even where the mining conditions are of a decidedly similar nature. About the only uniformity in the coal mine safety provisions of the laws of the various states is their absolute lack of uniformity and although there are decidedly different conditions met not only in different states but in different parts of the same state nevertheless **there are some basic safety provisions which should appear in all state laws which treat of safety in coal mines.** Following are only a few of the safety provisions which, in my opinion, ought to appear in all coal mining laws:

1. All blasting, whether of coal or rock in coal mines, should be by permissible explosive and the explosive should be fired electrically.
2. Use of open flame lights and smoking should be prohibited in coal mines. The underground worker's light should be from permissible electric lamps and flame safety lamps for gas testing should be permissible magnetically locked.
3. All mines should have ventilation such that in no unsealed part of the mine will there be as much as 1 per cent methane in the air and under no circumstances more than ½ per cent methane in any split of moving air.

4. All bituminous or lignite coal mines which are not wet should have exposed surfaces in all open accessible places covered with rock dust, such that incombustible content of the fine dust (less than 20 mesh) on ribs, roof and floor is maintained at 65 per cent or over.

5. All mines which have dry coal or coal dust at or near faces should have water line to each face and the workers should use water on the mining machine cutting chain while cutting and in addition keep the face region well sprinkled or wet down and also sprinkle the top of all loaded cars before they leave the face.

6. Every coal mine should be divided into sections, each totally surrounded by rock dust barriers of approved design and preferably each air split should constitute one of the sections and be surrounded by the barriers. The barriers should be kept in workable condition.

7. Only tight no-gate type of mine cars should be allowed in coal mines.

8. Mining systems depending upon use in whole or in part on single entries should not be allowed.

9. So-called booster fans or auxiliary fans should not be allowed in coal mines.

10. Moving of methane accumulations while the working shift is in the mine should be prohibited.

11. Electrical installations and practice in mines should be fully as safe and efficient as the best type of surface installations. (Defective underground equipment or practice can readily cause the death of scores or even hundreds where similar defects in surface installations will probably cause property loss only.)

12. Bare electric power lines carrying over 100 volts should not be allowed in coal mines.

13. Trolley locomotives or combination trolley-reel locomotives should not be allowed in return air courses or in or near faces where even a small amount of methane is given off. Permissible storage battery locomotives should supplant trolley locomotives in mines which give off methane or which have flammable dust in large quantities.

14. All loading, tamping and firing of blasting holes should be done by shot firers preferably after all persons except the shot firers are out of the mine. The shot firers should be required to have a certificate of competency after having passed an examination essentially the same as that given fire bosses.

15. Coal mine shot firers, fire bosses, foremen and superintendents should be required to have a certificate of competency after having passed an examination as to knowledge of up-to-date practice as to safety in coal mining. This certificate should expire in five years and be renewable only after having again passed an examination as to up-to-date safe practice in coal mining. Preferably these men should have had engineering training.

16. Those who use flame safety lamps for testing purposes should be required to have their eyes tested at least every six months to ascertain whether they are able to detect nonexplosive-mixtures of methane and air in the flame safety lamp.

17. There should be on every state coal mine inspection force sufficient competent electrical inspectors to give each coal mine in the state at least one thorough inspection annually as to safety of electrical installations and practice.

18. Before employment, and at least once annually during employment, all underground workers should be subjected to a rigid physical examination and from those examinations the workers should be allotted to duties which their physical condition warrants. Those afflicted with deafness, poor sight, hernia, defective heart, etc., should be wholly excluded from mines. Coal mining is inherently no "job" for the weak or ailing and there is absolutely no doubt that many fatalities, probably many disasters, are due directly to having underground men with, for example, weak eyes, defective hearts, or poor hearing.

Our coal mine safety suffers much from the installation of more or less up-to-date equipment without using up-to-date or even sane methods along with this equipment. It is folly to install permissible electric lamps yet allow of smoking, or use of fuse in blasting, or use of black powder blasting during the shift, or use of open type electric motors on fans, hoists, trolley locomotives, etc., at or near gassy faces or in more or less gassy return air. Yet these and numerous other manifestly dangerous and decidedly incongruous practices continue to be used and in mines having hundreds of men employed. In fact the list of dangerous practices involving up-to-date equipment simultaneously with out of date methods can readily be extended. There is at present a tendency towards undue reliance upon incomplete rock dusting; this very good practice is effective only when well done and well maintained and—to do it well—ALL, or approximately 100 per cent, of the open dry surfaces must be rock dusted instead of the 5, 10 or possibly 20 per cent now covered in the more effectively rock dusted mines. And even when rock dusted, there will continue to be disastrous explosions if ventilation is neglected and electrical practices continue as defective as at present. And it must be remembered that if explosions were wholly eliminated there remain approximately 85 per cent of our annual fatalities due to falls of roof and coal, to haulage, to explosives, and other causes.

The main present need in coal mine safety is that all mines, whether or not rated as gassy, should utilize all available feasible precautions as to safety instead of taking one or possibly a few precautionary measures and shutting the eyes, ostrich like, to the numerous dangers which have not been safeguarded.

Keep Mine Safety Measures Up To Approved Standards

By Eugene McAuliffe
President, The Union Pacific Coal Company

THE problems that confront those who seriously desire to safeguard the lives and limbs of the men who are employed in coal mines have been presented in a masterful way by Mr. D. Harrington.[1]

The most disinterested, capable information on the subject of mine safety available originates with the United States Bureau of Mines. The Bureau is, however, unfortunately restricted in its work by the limitations that attach to inadequate appropriations and by the fact that it, in the majority of instances, is also compelled to confine its work along persuasive lines. It is only where coal is mined from federal leaseholds that the Bureau has full policing power; the operation and care of all other mines is governed by the various state mining laws.

Mr. Harrington, who knows his subject—a knowledge gained from years of experience as a mining engineer and operating official—has again urged the introduction of electric lamps, permissible explosives, electric detonators, rock dusting, ventilation, and other well known safeguards.

These are all old issues, but unfortunately they are yet too often honored in the breach rather than the observance. Personally I like to think of adequate ventilation as the outstanding requirement for coal mine safety. The other safety measures are very important, but they are secondary to ventilation. Because, however, ventilation is not always carried out there is a crying demand for the universal adoption of each of the second-line defenses that Mr. Harrington has enumerated.

Rock dusting of bituminous mines to prevent disasters due to coal dust explosions is the "secondary defense" that is now most prominent in the public mind. Many mine operators have shown a proper appreciation of the importance and effectiveness of the rock

[1] See preceding article, pp. 50-60, "Present Needs in Coal Mine Safety" by D. Harrington.

dust safeguard. The company I represent is definitely committed to the policy of rock dusting and has installed this protection in its seventeen mines in one state. The American Association for Labor Legislation reports that already more than 181 companies in sixteen states and Canada have installed, or have begun to install, rock dust, and four states have provided by law for its use. This is real progress. In pressing forward with the practice of rock dusting, however, mine operators and the public should not fail to insist upon **thoroughness.** A mine cannot be said to be safeguarded against the spread of a coal dust explosion if it is only partially or inadequately rock dusted. To rock dust a mine in part and thereafter to rely on same is like taking an opiate. A mere five per cent galvanizing of a few entries is but a soporific, and when, sooner or later, a disastrous explosion occurs, rock dusting is likely to be generously damned by people who have been led to believe that the mine was "rock dusted." If rock dusting is to be relied upon it must be well done in the beginning and thereafter kept up to the end. A few sacks of rock dust will not protect a mine. Too much stress cannot be placed upon the practical necessity of maintaining the rock dust safeguard up to approved engineering standards.

When a cold dispassionate comparison of our coal mine death rate is made with that experienced in European countries, the result fails to excite pride. It is, on the other hand, deplorable. And when our progress—or rather absence of progress—is compared with that made in recent years by the railroads, the steel and other great industries, then the tragedy takes on another hue; in substance, we find that we lag woefully behind the industries which use our product. I am now speaking of failure to show betterment such as other industries are showing; the European comparisons prove that betterment is possible if we would definitely seek it.

It is quite aside from the question to talk about the sins of omission and commission that our mine labor is guilty of. When we employers take the full responsibility of the leadership that we claim, then the men will follow. It is this refusal to accept the responsibility that attaches to leadership that is at the bottom of all of the problems that surround the work of improving the safety of our mines. Mine labor, like all other labor, will always be moulded by environment, by the character of leadership shown and maintained by the employer. Labor unions never have led labor, rather

do they serve as salvaging agencies, as doctors that the laborer turns to when his next of kin, his employer, fails him.

We mine executives know full well what human problems are involved in mine accidents—what it means to face a disaster. In my own time I have known what it is like to have to stand at the mouth of a burning mine, and then—after consulting with experts and finding there was no way possible to reach the men who had been trapped below, before they must inevitably succumb—give the painful order to seal up the mine. Those who are responsible for mine management are in a position to take the lead in mine safety. They know both the human and the practical sides of the problems. The public is entitled to look confidently to these men to adopt promptly the safety measures that engineering science and mining experience have proved to be practicable and effective.

Rock Dust Again Proves Effectiveness

EVIDENCE at an inquest over the bodies of five miners who were killed in a coal mine explosion at Moundsville, W. Va., November 15, shows that where the rock dust safeguard had been installed in the mine it had effectively stopped the explosion of coal dust and minimized the disaster.

An investigation by state mine inspectors confirmed the evidence that rock dusting was successful in confining the explosion to a small area.

The mine was only partially rock dusted. The main and some side entries had been sprayed with rock dust, but not the back entries. Careful investigation revealed that the explosion "died" in the rock dusted areas.

These official findings reaffirm experience in other American mines proving the effectiveness of rock dusting. The most spectacular instance is that at West Frankfort, Ill., a year ago, where rock dust, by smothering an explosion, saved the lives of more than 1,000 miners. The West Virginia findings also emphasize the need of complete and thorough use of rock dust in mines, in conformity with approved engineering standards.

"Standard Bill" For Rock Dusting

Drafted as an Aid to Well Considered and Uniform State Legislation to Prevent Coal Mine Disasters Due to Coal Dust Explosions

(EDITOR'S NOTE: The following standard draft of a bill for uniform state legislation, providing rock dusting to prevent needless coal dust explosions, embodies the "standard practices" recommendations of the American Engineering Standards Committee. These recommendations were thus formulated after the most careful consideration by representatives of the following organizations: American Association for Labor Legislation, American Institute of Electrical Engineers, American Institute of Mining and Metallurgical Engineers, American Mining Congress, Associated Companies, Coal Mining Institute of America, Mine Inspectors' Institute, National Coal Association, National Safety Council, United States Bureau of Mines, United States Department of Labor. The "Standard Bill" is being introduced in the legislatures of coal mining states, as prepared by the American Association for Labor Legislation which is calling attention to this draft as forming the basis for well considered legislative action.)

AN ACT TO AMEND ETC. * * * BY REQUIRING THAT CERTAIN MINES BE ROCK DUSTED.

Be it Enacted etc. * * *:

SECTION 1. **Definitions of Terms Used.**

(1) The term "mine" shall include all underground excavations from which coal is hoisted or transported to the surface, through one or more openings.

(2) The term "main haulage" shall include all underground slopes and planes, all rock tunnels, and all entries excepting those from which rooms or chambers are turned.

(3) The term "entry" shall include all underground haulageways, travelingways and airways, excepting working places as defined below.

(4) The term "working places" shall include:

(*a*) Rooms or chambers; from the entry or gangway rib to the face of the room.

(*b*) Entries; from the outside of the last crosscut turned to the face of entry.

(*c*) Crosscuts or break-throughs, which are being driven between entries or rooms.

(*d*) All pillar work.

(5) The "return air" is the ventilating current, or split of same, from the point of passing the last regular working place in the section of the mine which it has been ventilating since leaving the intake to the point of union with the main return.

(6) "Exposed electric circuits" means any conductor or conductors of the electric circuit in the mine, other than trailing cables of permissible machines, which by virtue of their location are liable to be damaged by falls of roof, wrecks, etc., which may cause sparks or arcs in the mine atmosphere.

(7) An "isolated panel" is a separate portion of a mine, consisting of one or more room headings, surrounded by a continuous pillar except where connected with the rest of the mine by not more than two sets of haulage and airway entries.

SECTION 2. **Mines to be Rock Dusted.**

Every owner, agent, manager or lessee of every mine producing bituminous coal, or lignite of any grade, and which is subject to the inspection of the (State Department of Mines), shall provide in accordance with the following provisions, that such mine be rock dusted unless all fine coal particles on the floor, ribs, roof and timbers, in the estimation of the (State Department of Mines), are maintained in a muddy condition.

SECTION 3. **Parts of Mine to be Dusted.**

(1) Rock dust shall be distributed on all main haulages, all entries to the last break-through, in all rooms and pillar workings, to within 40 feet of the face, or to the last break-through, and in all return airways where hauling or traveling is done. Dust must be distributed upon top, bottom and sides of places.

(2) In isolated panels in which no exposed electric circuits, or non-permissible motors are used, and in which only permissible safety lamps and permissible explosives are used, protection may be given by rock dusting the entries and by rock dust barriers at each entrance and exit.

(3) In other places in which no traveling or hauling is done, the rock dust may be distributed by the air current into which it is blown, provided that the amount specified in Section 6 is deposited, or they may be protected by rock dust barriers, which shall be of types as specified by the United States Bureau of Mines and subject to the approval of the (State Department of Mines). These barriers shall be erected under the supervision and direction of the (State Department of Mines) where they will stop an explosion either before leaving or entering each panel or section of a mine.

SECTION 4. **Kind of Dust to be Used.**

(1) The kind of dust to be used shall be as specified by the United States Bureau of Mines and subject to the approval of the (State Department of Mines).

(2) It shall not contain more than 5 per cent of combustible matter, nor more than 25 per cent of quartz or free silica particles, nor absorb moisture from the air to such an extent as to cake and destroy its effectiveness as a dry dust.

(3) It may be made from limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material which meets the foregoing specifications. The lighter colored dusts are to be preferred.

SECTION 5. **Size of Dust to be Used.**

The dust to be used shall be pulverized so that 100 per cent will pass

through a sieve having 20 meshes per linear inch, and 50 per cent or more will pass through a sieve having 200 meshes per linear inch.

SECTION 6. **Amount of Dust to be Used.**

In all places where rock dust is distributed, enough shall be used so that the percentage of incombustible material in the samples of dust collected shall be maintained at least at 55 per cent. Along room entries or gangways where methane gas is found in the ventilating current, the amount of incombustible material above specified shall be raised ten per cent for each one per cent of gas. Where rock dust barriers are installed, the amount of dust used shall be at least 100 pounds per square foot of average cross section of entry, at the barrier zone.

SECTION 7. **Sampling Dust.**

At least thirty samples of dust shall be gathered every month from the road, roof, rib and timbers, and tested, to determine if any part of the mine requires redusting. Any method of analyzing or testing recommended by the United States Bureau of Mines, and approved by the (State Department of Mines), may be employed. The dust in all barriers shall be inspected monthly and be kept in such condition that when the barrier comes into play the dust will fall loosely into the air.

SECTION 8. **Record of Sampling.**

(1) A written record shall be entered in a book kept for that purpose in the mine office, showing the location at which samples have been taken, and the results of the analyses.

(2) A map of the mine shall be kept posted to show the extent of rock dusting and the location of rock dust barriers.

SECTION 9. **Penalty.**

Every owner, agent, manager or lessee who violates any of the above provisions or fails to comply with any of the duties imposed upon him by this Act, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment of not less than sixty days nor more than one year, or by both such fine and imprisonment.

SECTION 10.

This Act shall take effect * * *.

Pioneers in Rock Dusting

Roll of Honor of Coal Companies Using Rock Dust to Prevent Coal Dust Explosions

193 Companies in Seventeen States and Canada!

(EDITOR'S NOTE: When in December, 1922, after calling attention to the increasing toll of lives in coal mine disasters, the American Association for Labor Legislation opened its present campaign for the adoption of preventive measures, it was able to secure from federal and state official sources the names of only three coal companies in the United States and Canada that were using rock dust to prevent coal dust explosions. As the campaign has progressed during the past four years, the Association has been informed of the installation of rock-dusting methods by at least 190 additional companies. Such companies should be commended for taking the lead in the adoption of this simple, reasonably inexpensive and effective safeguard against disasters. Following is the list, as of March 1, 1927, of coal companies that have equipped one or more of their mines with the rock dust safeguard, or have begun to install it.)

ALABAMA—19

Gulf States Steel Company—Sloss-Sheffield Steel and Iron Company—De Bardeleben Coal Corporation—Galloway Coal Company—Yolande Coal and Coke Company—Davis Creek Coal and Coke Company—Tennessee Coal, Iron and Railroad Company—Newcastle Coal Company—Alabama By-Products Corporation—Franklin Coal Mining Company—Alabama Fuel and Iron Company—Republic Iron and Steel Company—The Roden Coal Company—Birmingham-Trussville Iron Company—Porter Coal Company—Southern Coal and Coke Company—Little Gem Coal Company—Little Cahaba Coal Company—Railway Fuel Company.

COLORADO—6

Victor American Fuel Company—Royal Fuel Company—American Smelting and Refining Company—Alamo Coal Company—Colorado Fuel and Iron Company—South Canon Mine Leasing Company.

ILLINOIS—12

Old Ben Coal Corporation—Valier Coal Company—Union Colliery Company—Madison Coal Corporation—Chicago, Wilmington and Franklin Coal Company—Peabody Coal Company—Industrial Coal Company—Crerar-Clinch Coal Company—Cosgrove-Meehan Coal Company—Bell and Zoller Mining Company—Paradise Coal Company—Illinois Coal Company.

INDIANA—7

Eureka Coal Company—Shirkie Coal Company—Binkley Coal Company—Sugar Valley Coal Company—City Coal Company—Princeton Mining Company—Knox Consolidated Coal Company.

KANSAS—5

Hamilton Coal and Mercantile Company—Wilbert and Schreeb—Krueger Coal Company—Mackie, J.—Clemens Coal Company.

KENTUCKY—8

West Kentucky Coal Company—Duvin Coal Company—Trio Coal Company—Diamond Coal Company—Pike-Floyd Coal Company—Leckie Collieries Company—Harlan Coal and Coke Company—The Harlan Fuel Company.

MARYLAND—1

The Davis Coal and Coke Company.

NEW MEXICO—5

Phelps Dodge Corporation—Gallup American Coal Company—St. Louis, Rocky Mountain and Pacific Company—Albuquerque and Cerrillos Coal Company—Gallup Southwestern Coal Company.

OHIO—4

Cleveland and Western Coal Company—Wheeling Steel Corporation—Carnegie Steel Corporation—American Sheet and Tin Plate Company.

OKLAHOMA—3

Rock Island Coal Company—Superior Smokeless Coal Company—McAlester Edwards Coal Company.

PENNSYLVANIA—68

Inland Collieries Company—Pennsylvania Coal Corporation—Pennsylvania Coal and Coke Corporation—Springfield Coal Mining Company—Eastern Coke Company—Tower Hill-Connellsville Coke Company—Republic Iron and Steel Company—Thompson-Connellsville Coke Company—Hecla Coal and Coke Company—Allegheny-Pittsburgh Coal Company—Consumers Mining Company—Hillman Coal and Coke Company—Pittsburgh Terminal Coal Company—Pittsburgh Coal Company—Westmoreland Coal Company—Peale, Peacock and Kerr—Lincoln Gas Coal Company—Creighton Coal Company—Ontario Gas Coal Company—Republic Collieries Company—West Penn Power Company—Oliver and Snyder Steel Company—Buckeye Coal Company—Pickands-Mather and Company—Berwind-White Coal Mining Company—Penelec Coal Corporation—Bethlehem Mines Corporation—National Mining Company—Maryland Coal Company—Pittsburgh Plate Glass Company—Barnes Coal Company—H. C. Frick Coke Company—Orient Coal and Coke Company—Ocean Coal Company—Keystone Coal and Coke Company—Vesta Coal Company—Crucible Fuel Company—Langeloth Coal Company—Pittsburgh and Eastern Coal Company—Carnegie Coal Company—Jos. H. Reilly Coal Company—Ebensburg Coal Company—Monroe Coal Mining Company—Imperial Cardiff Coal Company—Valley Smokeless Coal Company—Harwick Coal and

Coke Company—Valley Camp Coal Company—Peabody Coal Company—Clarkville Gas Coal Company—Monarch Fuel Company—Davis Coal and Coke Company—American Zinc and Chemical Company—Chartiers Creek Coal Company—Graceton Coal Company—Jamison Coal and Coke Company—Lilley Coal and Coke Company—Northwestern Mining and Exchange Company—Poland Coal Company—Edward Tomajko—Warwick Coal Company—Bird Coal Company—Jefferson and Clearfield Coal and Iron Company—Russell Coal Mining Company—Cherrytree Coal Company—Clearfield Bituminous Coal Corporation—Union Collieries Company—Pine Run Company—New Field By-Products Company.

TENNESSEE—1

Tennesse Coal, Iron and Railroad Company.

UTAH—16

Utah Fuel Company—United States Fuel Company—Columbia Steel Corporation—Royal Coal Company—Independent Coal and Coke Company—Carbon Fuel Company—Liberty Fuel Company—Peerless Coal Company—Spring Canyon Coal Company—Standard Coal Company—MacLean Coal Company—Lion Coal Company—American Fuel Company—Scofield Coal Company—Kenney Coal Company—Mutual Coal Company.

VIRGINIA—1

Stonega Coal and Coke Company.

WASHINGTON—1

Northwestern Improvement Company.

WEST VIRGINIA—28

Boone County Coal Corporation—Island Creek Coal Company—Byrne Gas Coal Company—Bethlehem Mines Corporation—Youngstown Sheet and Tube Company—Raleigh-Wyoming Coal Company—Pocahontas Fuel Company—Jamison Coal and Coke Company—New England Fuel and Transportation Company—Bertha Consumers Company—E. E. White Coal Company—Consolidation Coal Company—Glendale Gas Coal Company—Elm Grove Mining Company—Hitchman Coal and Coke Company—Windsor Power House Coal Company—Lake Superior Coal Company—Landstreet Downey Coal Company—Crab Orchard Improvement Coal Company—Elkhorn Piney Coal Mining Company—Kingston Pocahontas Coal Company—Ephraim Creek Coal and Coke Company—Davis Coal and Coke Company—Bottom Creek Coal and Coke Company—Stonega Coke and Coal Company—New River Company—Buffalo Thatcher Coal Company—West Virginia Coal and Coke Company.

WYOMING—2

Union Pacific Coal Company—Central Coal and Coke Company.

CANADA—6

British Empire Steel Company—Dominion Coal Company—Hillcrest Colliery, Ltd.—International Coal and Coke Company—Crow's Nest Pass Coal Company—West Canadian Collieries.

Increased Compensation in Cases Involving Violations of Law

By E. E. Witte
Chief, Wisconsin Legislative Reference Library

(Editor's Note: Nearly four years ago, in an article in this Review for June, 1923, Mr. Witte discussed the development in Wisconsin of "Treble Compensation for Injured Children." In the article that follows he reports further for the American Association for Labor Legislation on the effective operation of the social device of added compensation, imposed directly upon the employer, in accident cases involving violations of law, particularly safety and child labor laws.)

INCREASED compensation is a device through which the workmen's compensation acts can be made an important factor in securing compliance with other labor laws. While by no means confined to Wisconsin, this device has had its greatest development in our state.

In our compensation act there are three distinct situations in which an employer becomes liable for increased compensation. He must pay 10 per cent additional, if he unreasonably delays payment of compensation. He must pay 15 per cent additional, if the accident was due to his violation of a safety law or order. He must pay **treble compensation,** if the injured was a minor of permit age employed without a permit, and **double compensation,** if the employment was legal, but the particular work at which the accident occurred was prohibited. In all these cases the **employer must pay the increased compensation himself,** the insurance company being forbidden to pay more than the regular compensation.

By far the largest number of increased compensation cases occur in connection with violations of safety orders. In the five years 1921 to 1925, increased compensation was paid on this score in 2,387 cases, in the total amount of $146,050. Cases of double and treble compensation for violations of the child labor law are less numerous, but involve an almost equally great total of increased compensation. From September 1, 1917, when this provision of the law became effective, until December 31, 1925, there were settled a total of 657 such cases, in which the increased compensation amounted to $163,782.

Increased compensation is generally spoken of as a penalty, but it is a penalty only in a popular sense. In law, it is a part of the stipulated compensation and is amply justified by considerations

of justice to the injured, without taking into account its effects upon employers. To pay a workman who is injured because the employer has violated a safety law only the regular compensation (around one-half of his wage loss in the average case), leaves him with a feeling that he is being cheated. Yet worse is the situation where the injured is a minor who was illegally employed. In half of the compensation laws such a minor is expressly excluded and usually gets far less than he could have recovered under compensation. Yet the employer in any such case may be mulcted in damages for an amount far greater than even treble compensation, because the illegal employment of minors in most states, including Missouri, constitutes gross negligence and deprives the employer of all defenses.

Yet more important is that increased compensation tends to promote the realization of the true aim of workmen's compensation, which, I take it, is to minimize the losses resulting to society from industrial accidents. In trying to realize this purpose nothing is so important as the prevention of accidents; and it is in this respect that workmen's compensation laws have been distinctly disappointing. Doubtless workmen's compensation gave the impetus for the safety first movement, but to-day it has a great deal to do with the smug conception of many employers that they are doing their full share when they pay compensation and certainly when they employ a safety man. Increased compensation helps to arouse employers out of this lethargy. It makes them realize as nothing else will that accidents are occurring in their plants which could have been prevented and that they have not been as careful in employing children as they should have been.

Call it a penalty, if you will, but recognize that increased compensation is the most just and effective penalty ever invented. Even the employer who has paid a large amount as increased compensation usually feels better because this penalty went to the injured man rather than to the state. Still more he appreciates being spared the unfavorable publicity of prosecution. And in what other state have penalties totaling nearly $150,000 been collected in the last five years for violations of the safety laws, and above $160,000 in nine years for violations of the child labor law? Yet there is certainly at least no more opposition to the enforcement of these laws in Wisconsin to-day than in other states.

Increased compensation, undoubtedly, gives rise to some difficult problems. This device does not work automatically and there is little

value in having it upon the books if the compensation commission does nothing until a claim for increased compensation is filed. In Wisconsin every case which might involve a violation of law is investigated, and if such a violation is discovered, payment of the increased compensation is insisted upon, although the injured workman may be ignorant of his rights or afraid to assert them. Such vigorous enforcement also presents some difficulties. Double and treble compensation to minors illegally employed, renders more acute the old problem of misrepresentation of age by children and their parents. To meet this situation, the states which have such a provision in their compensation acts, have found it necessary to provide a simple method through which employers can authoritatively ascertain the age of minors, including those who claim to be over permit age. Again, increased compensation may be so administered as to arouse resentment among employers and thus defeat its main purpose, which is to secure better cooperation in compliance with law.

These difficulties are not insurmountable. Wherever tried, increased compensation has worked out at least as well as its advocates expected. Besides Wisconsin, the states of New York and New Jersey now have provisions for increased compensation to minors injured while illegally employed; while Oregon and Washington in such cases, require employers to pay additional amounts into the compensation funds. Indiana also had a double compensation provision, and enforced the same in many cases, but this law has recently been knocked out due to irregularities in its passage.[1] Kentucky, Massachusetts and Washington and probably some other states, in addition to Wisconsin, allow increased compensation in cases involving violations of safety laws.

The time seems opportune for an extension of such provisions in states which have not yet made use of the device of increased compensation. Decisions in Massachusetts, New York and Wisconsin clearly establish its constitutionality.[2] It is needed to give more adequate compensation to classes of employees who are grossly undercompensated; and it can be made an effective agency, not merely for affording relief, but of preventing accidents.

---

[1] Beattie *v.* Kimble, 150 N. E. 926; *In re* Industrial Board, 128 N. E. 938.

[2] See, for example, in Estenich *v.* Fort Plain Iron Co., 213 App. Div. 842, and Brenner *v.* Herubin, 170 Wis. 565 (1920); Mueller and Sons Co. *v.* Gothard, 173 Wis. 135 (1920); Faust Lumber Co. *v.* Gaudette, 173 Wis. 136 (1920). See also "Progress in Compensation for Children Injured While Illegally Employed," *American Labor Legislation Review,* Vol. XVI, No. 4, December, 1926, pp. 280-281.

New Study to Emphasize Value of Accident Prevention

By Lewis A. DeBlois

Director, Safety Engineering Division, National Bureau of Casualty and Surety Underwriters

(Editor's Note: Mr. DeBlois is a leading authority on accident prevention in industry. He was formerly manager of the safety and compensation division of E. I. duPont de Nemours & Co., and president, 1923-24, of the National Safety Council. His recently published book, "Industrial Safety Organization," is an outstanding contribution to the subject.)

ONE year ago the American Association for Labor Legislation at its annual meeting discussed the question, "Are Industrial Accidents Increasing?" Considerable data were presented indicating increases in the number of reported accidents in many states, but on a national increase and increases in accident rates no consensus was reached, simply because no data were available. It is, as United States Commissioner of Labor Statistics, Ethelbert Stewart, has pointed out, as if "we do not care enough about industrial deaths and injuries even to count them." We have, it is true, reliable federal statistics on accidents in the mining, railroading and iron and steel industries but nothing of value for other industries.

The individual states have no basis on which to compute accident rates and the number of accidents as reported is non-inclusive and not comparable with the records of most other states.

This situation led to the calling of an Industrial Safety Conference by Secretary of Labor Davis in Washington in July, 1926, at which our woeful lack of adequate statistical information was exposed to public view. As a result, the International Association of Industrial Accident Boards and Commissions somewhat later took action and recommended that the procedure for reporting accidents and compiling accident rates contained in Bulletin 276 of the United States Bureau of Labor Statistics and already issued as "standard" be reviewed by the American Engineering Standards Committee, the nationally recognized standardizing body. The

purpose of this was two-fold: to improve the procedure, insofar as it was susceptible of improvement, and to secure a greater degree of national acceptance and adoption.

The American Engineering Standards Committee has recently accepted this task and the work of review and standardization will go forward under the joint sponsorship of the International Association of Industrial Accident Boards and Commissions, the National Safety Council and the National Council on Compensation Insurance.

I have dealt at some length with this matter because of the following facts, all of which are generally recognized by those closest to the safety movement.

1. The larger and more progressive industrial establishments have proved conclusively that accidents can be prevented and that accident prevention is not only humane and spiritually satisfying but is, incidentally, "good business."

2. The bulk of industry, composed of medium size and small establishments, seems to have approved the safety movement in principle, but has not actively applied it, particularly its most effective features: safety organization and education.

3. The reasons for non-application of the individual executive have been lack of interest due to a mistaken impression that accidents were infrequent, that accident expense was an item of minor importance entirely covered by insurance, and that accident prevention was an expensive experiment of uncertain value and justified only in larger establishments.

The last item calls for a word of explanation.

First: Since the small establishment has few men, serious accidents are infrequent even when the accident frequency rate is abnormally high. Such establishments do not compute their accident rates and, if they did, their executives would not know what a good rate was. The executives are satisfied because they **think** their experience has been satisfactory; they do not know otherwise!

Second: Since the cost of casualty insurance is not excessive (except in a very few industries), the item of visible accident expense appears to be inconsiderable—usually but a few per cent of operating cost. The invisible, intangible or indirect cost of accidents is not ascertained and its existence is usually unsuspected.

Third: Safety work is generally supposed to involve expen-

sive safeguards and physical alterations, an elaborate structure of safety committees—perhaps even a "safety engineer"—far too large and expensive an item for most employers to consider.

At the nub of the situation, then, is the industrial executive. If we are to reduce accidents and save the lives of one-half of the 23,000 workers who are supposed to be killed annually—as we can readily do (and incidentally save to the country about a half billion dollars a year)—the executives of the medium size and small industrial establishments must be taught several things, such as:

1. How to keep accident records and compute rates.
2. What a good accident record is.
3. That a company can insure for only one-fifth of its actual loss—the remainder, though merged in cost of production, being out-of-pocket expense.
4. That safety work leads to cooperation, higher morale and industrial stability.
5. That it is an investment which yields greater returns than the business itself.
6. That it is a duty owed to our country and to our fellow-men.

Overcoming this condition is a matter of adult education and therefore slow. There is, however, some excuse for optimism. In the first place, the light is being turned on the matter of accident expense. The American Engineering Council, encouraged by the National Bureau of Casualty and Surety Underwriters, has completed a national survey of industrial establishments to ascertain the relationship of industrial safety to industrial production. Its report will not appear for several months, but it is permissible to state that it will contain much evidence to support the belief that **many of those plants which are doing effective accident prevention work have experienced, contemporaneously, greater production efficiency.** Formerly we have talked safety to industrial executives in terms of accident and insurance expense and of humanitarian motives. Arguments in terms of production should carry considerable additional weight.

This research will also produce further evidence of the high indirect cost of industrial accidents—which can be added to those facts which some of the insurance companies are producing. Furthermore, with increasing progress in safety education in the public and parochial schools along the lines laid down by the education division of the National Safety Council, approved by the

National Education Association and the Association for the Advancement of Education, and fostered by the local councils of the National Safety Council, we may expect a different attitude of mind in the industrial executive of the future.

Aside from their economic and humanitarian justification, the importance of compensation laws as a means of awakening an otherwise lethargic executive to his duty in accident prevention, cannot be gainsaid. In more than one sense they are the first logical step toward accident prevention. Their enactment represents the termination of debate on **relative** responsibility, which is one of the greatest, if not the greatest, obstacle in the path of corrective action. As long as employer and employee argue relative responsibilities for unforeseen contingencies, cooperation remains outside the door; this door never opens until mutual agreement has been reached to waive the question and proceed toward constructive remedy. The employers and employees of the state of Missouri are to be congratulated for having at last taken this first great step.

Important as legislative enactment is, it cannot of itself bring about safe industrial conditions—any more than it can bring about prohibition. In accident prevention, there must be not only genuine willingness on the part of those concerned, employer and employee alike, but cooperative effort to a common end. I have spoken of the executive as key to the present situation. Do not infer, however, that action by him alone can correct it. If he is apathetic, the safety movement gets nowhere; if he is willing and feels impelled to do real accident prevention work, it gets no great distance unless the employees do their part, not grudgingly or with imputations that the employer is in it solely to save money, but with the true spirit of cooperation. Safety never prospers in an atmosphere of contempt, mistrust or ill will. It will grow only in the rich soil of unselfishness, watered with the milk of human kindness.

So much for prevention, which is the true remedy. Meanwhile, and for many long years, we shall need workmen's accident compensation and rehabilitation legislation. They are matters of truly vital importance in the industrial world to-day. The American Association for Labor Legislation, which has striven long and earnestly to rivet public attention on these subjects and secure reasonable, constructive legislation, deserves commendation for combining them with accident prevention in a comprehensive program.

Accident Prevention Through Workmen's Compensation Laws

By John H. Walker
President, Illinois State Federation of Labor

(Editor's Note: Mr. Walker's well-considered address at the twentieth annual meeting of the American Association for Labor Legislation at St. Louis in December, of which the following is a condensation, is published in full in the *Weekly News Letter* of the Illinois State Federation of Labor for January 29.)

THE most remote consumer bears a degree of responsibility for the conditions under which the product he consumes was produced and is conveyed to him. As we are all consumers, this makes us all at least partially guilty for the needless death or injury of wage-earners.

This loss of human life, infliction of misery, suffering and economic loss, by reason of improper, unintelligent, inhuman and wasteful methods and conditions obtaining in industry, is one of the greatest losses that our nation suffers yearly, the greatest crime against humanity, and the gravest reflection on our intelligence. Its diminishing and complete abolition should appeal to every worker in our country, every employer, every statesman, every citizen.

We are all happy that Missouri has adopted a workmen's compensation law. We have been wondering how long a state as progressive in so many other respects as Missouri is, would have its name associated in this vitally important matter, with such states as Mississippi, South Carolina, Arkansas, Florida and North Carolina—the only states in our country which are without compensation laws—states which are everywhere known as the synthesis of neglect of every sort of social legislation.

The Illinois Department of Labor recently reported the experience of an employer of 2,700 workmen in an extra-hazardous industry. The plant went 93 days without one single, solitary accident which caused any loss of time. What one plant can do, others can do. As the *Illinois Labor Bulletin* says: "The fact that in the one large plant accidents have been completely eliminated shows that there is a technique of safety which is effective."

If it is true, as the experts who are aligned with the employers in these matters say, "that practically all industrial accidents can be eliminated," then the ordinary competitive arguments with reference to compensation laws, as between states, are based on a false premise. Adequate compensation benefits, instead of working injury to industry within a state will stimulate the industry to seek honestly and earnestly to prevent accidents. If they do this, they will succeed in effecting a substantial reduction, if not the entire elimination of accidents, so that liberal compensation law schedules, instead of driving industry from a state, will eliminate accidents within the state, reduce the over-head cost of operation and be an advantage competitively.

One important thing that could be done in the intensive development of state compensation laws, is to find some way of providing with absolute surety for funds being available for the prompt payment of all claims arising under the law.

In Illinois a number of insurance companies carrying compensation risks have failed. Many employers without assets have not insured at all, as a result of which many injured workmen and their dependents have been defrauded out of hundreds of thousands, if not millions of dollars that they were entitled to under the law.

Among these companies is the Associated Employers Reciprocal which, it appears, left something like $4,000,000 in outstanding claims, about a million dollars of which were applicable to Illinois alone.

The main evil in the present situation is the effort on the part of some unscrupulous employers and private insurance companies to escape payment of claims altogether if possible or, where that is not possible, to reduce them as much as they can.

A knowledge of these cases leads one strongly to the belief that no influence should enter into settlement of these claims that would profit by a dishonest, a wrong or a delayed settlement.

In Ohio, where they have an exclusive state insurance fund, the workers uniformly seem to get everything they are entitled to under the law in the settlement of their claims, promptly. The premium cost to the employers is less than what is charged by private companies that carry risks for similar industrial enterprises in other states.

Gains in Vocational Rehabilitation

By Tracy Copp
Rehabilitation Division, United States Board of Vocational Education

(Editor's Note: Miss Copp is an authority whose grasp of the problem of rehabilitation has been fortified with many significant experiences "in the field.")

SINCE vocational rehabilitation is supplementary to workmen's accident compensation as far as industrial cripples are concerned, it is perhaps fitting, in this review of progress in federal-state cooperation in civilian rehabilitation, to emphasize at the outset an outstanding need—the need for special state funds under workmen's compensation laws to protect employers of rehabilitated persons against an added compensation burden in "second injury" cases.

The work of rehabilitating industrial cripples and restoring them to useful, self-sustaining jobs will be fully successful only when employers are relieved of the fear that they will have to bear an added burden of accident compensation in case a partially disabled worker becomes totally disabled as a result of a second injury. It is of little use to retrain partially disabled men if, after retraining, no one will employ them.

A way has been found to protect employers who give jobs to men and women handicapped by a disabling injury.

Several states have provided in their workmen's accident compensation laws for a special state fund out of which the difference between the compensation for the second injury and the total disability resulting therefrom is paid. These "second injury" funds are created in five states by assessments in all death cases where no dependents are left. In two additional states the funds are raised in other ways.

It appears that in the states having "second injury" funds a more liberal attitude is found among employers toward the employment of persons who are partially disabled. The employer knows he has to provide accident compensation only for the second injury even if it, together with the first injury, results in total disability. He thus has no excuse for refusing to hire a one-eyed man, for instance, on the ground that he may lose the second eye in an accident and thus become totally blind.

One of the greatest services that can be done to promote the rehabilitation of the maimed victims of industrial accidents is to

provide for "second injury" funds in the workmen's compensation laws of all the states.

The Stimulus of Federal Cooperation

The influence of federal promotion in civilian rehabilitation may be seen by a comparison of the size of the program prior to 1920 and at present.

Before the passage of the federal act of 1920, there were six states in the United States engaged in programs of vocational rehabilitation. Five of these states maintained services for the victims of industrial accidents only. The sixth state passed a law providing for a department of re-education intended to serve all types of disabled persons. This law anticipated the passage of the federal rehabilitation act. The five states which had inagurated vocational rehabilitation services for industrial accident victims maintained the departments in connection with the workmen's compensation service.

With the stimulus of the federal influence, the conception of civilian rehabilitation changed from the early attempt under compensation legislation to the broader program now under way in the country. Although under workmen's compensation, it was intended to give intelligent assistance to disabled industrial workers in their readjustment to industry, emphasis was not put upon guidance and counsel, nor was opportunity offered for vocational training as a part of rehabilitation, which is the outstanding phase of rehabilitation in the partnership now maintained by the states and the nation.

Thirty-nine states have accepted the provisions of the federal rehabilitation act, and in thirty-eight states the machinery has been created and financial support given, making possible the maintenance of the program. The federal act places the responsibility for the administration of vocational rehabilitation upon the individual states, the administrative agency being the state board for vocational education. Of the thirty-eight states now in actual cooperative relationship with the federal government, nineteen have been at work for five years, nine for five and a half years, three for six years, and the remaining seven for two years or less.

50,000 New Cripples Each Year

Each year many thousands of persons are injured through employment or public accident, disease, or congenital conditions, but not all of them become permanently disabled. Of those who are permanently incapacitated physically, not all are vocationally handi-

capped. Many persons who become vocationally handicapped are able to rehabilitate themselves. When these factors limiting the problem of vocational rehabilitation are borne in mind, and when it is also realized that accurate statistics of public accidents and disabilities arising out of disease and congenital conditions are not available, the difficulty of arriving at a satisfactory estimate of the number of disabled persons in need of rehabilitation at any one time is readily understood. Many of the states have in various ways sought to secure adequate data as to the size of the problem. In several states, censuses of the disabled have been made. Such efforts invariably indicate that the disabled population exceed the estimates. Students of accident statistics, and of the rehabilitation program, have estimated that each year there are added to the army of the physically disabled in need of vocational rehabilitation at least 50,000.

One of the factors which greatly retards development of the work is that the methods by which vocational rehabilitation is accomplished are only partially understood by persons indirectly interested or affected, and often by officials or members of boards who are responsible for the administration of the service. It seems difficult for many to understand fully that **vocational rehabilitation is a case problem.** Each case must receive individual treatment and a large amount of personal service and supervision. The best practice in the states shows that 55 per cent of the total cost of the rehabilitation of a disabled person goes to administration. One rehabilitation agent cannot handle at one time a live roll of more than 75 to 100 persons in process of rehabilitation, yet he is frequently expected to organize his work on the basis of the supervision of general or vocational education administration.

To ascertain the degree to which the problem of the disabled is being met in the states, one must know the volume of service being given, as well as the extent of the problem. Since the inauguration of the national civilian rehabilitation program, 24,000 disabled persons have been refitted or retrained and established in self-supporting employment. At the present time 14,000 persons are in process of rehabilitation in the thirty-eight states engaged in the work.

Elements in a Successful Program

The service of rehabilitation is similar to workmen's compensation in that it deals with individual cases in a general plan of administration. It differs from the educational services of a state, since rehabilitation is not accomplished by working with disabled

persons in groups. In each case after eligibility has been established, a new vocation is chosen based on or related to the most worth while employment followed before injury. In order to properly serve all eligible disabled persons in a state a staff of professionally trained workers is needed. In the thirty-eight states at present cooperating with the federal government, there were on October 1, 1926, one hundred and forty-seven professional workers. This number includes persons actually engaged in field work or in supervision. There are eight states in which only one person or a part-time person is employed. In the remaining thirty states the staffs range in size from two to twenty persons.

These professional workers, in order to properly discharge their responsibility, must know the requirements of industrial production. They must be able to analyze the resources of disabled persons. The ability to determine a disabled man's mental, vocational, and personal capabilities and capacities and direct them to profitable employment is the aim of the rehabilitation workers in the country.

The two outstanding elements in a successful state program of vocational rehabilitation are a trained and capable state staff, and sympathetic and informed employers who should be, as suggested above, given just protection in "second injury" cases. The important steps in a rehabilitation plan are making the analysis of the disabled man's resources, and assisting in his placement when he is ready for work. Other steps in the program, such as selecting suitable training, assisting in securing surgical and medical care, and purchasing an artificial appliance, are incidentals in the program.

The function of the federal government in the program of rehabilitation is promotional. The federal aid which is offered to the states is interpreted as a stimulus for inspiring the program and assisting it to function. The state is in active charge of the machinery of rehabilitation and assumes the responsibility of developing the methods by which eligible cases are found and served.

As the work expands the states should secure appropriations in excess of the federal allotment, and should expend more than a state dollar with each federal dollar. Uniformly throughout the years since 1921 more state money has been spent than federal. In the year 1926 the thirty-eight cooperating states spent $578,847 of federal money and $695,038 of state money. Fifteen of the thirty-eight cooperating states expended practically all of their federal allotments last year.

Several of the states have provided separate state appropriations

for maintenance of disabled persons while in training. Maintenance laws in some cases are a part of compensation legislation. Where provision is made in that way, the law gives to the disabled man additional compensation during his period of training. In other states the maintenance funds are used largely for non-industrial cases. Since the expenditure of federal money, and the money used to match it, is limited to administration and to the expenses of training, training supplies, and artificial appliances, the states are obliged to provide for the expansion of their services out of state funds.

"Live Roll" Has Grown to 13,604

The volume of work in the states does not altogether indicate the extent to which the program has become a vital part of the social enterprises in the state. The work was begun on a conservative basis. The states were faced with the necessity of promoting the program, and doing case work at the same time. There was no trained group of workers from which to draw for the state positions. State workers were required to learn through experience. In the fiscal year 1921, there were 523 cases rehabilitated. In 1926, last year, there were 5,604 cases rehabilitated. Cases that were closed as rehabilitated during the fiscal year represent the number of persons who had been given service placing them in profitable employment. A case is not closed as rehabilitated until the disabled person is satisfactorily employed. At the same time that cases are being closed as rehabilitated, there are other cases in the process of rehabilitation. At the end of the fiscal year 1921 this group, known as the live roll, numbered 4,792, and in 1926 the live roll was 13,604.

Cost records are kept on the basis of the average per case cost for the country. In the year 1922 the average cost per case for the country was $393.60. Last year the average per case cost for the country was $229.71. These figures include the cost of administration as well as the cost of direct service to disabled persons. As the number of rehabilitations has steadily increased throughout the six-year period, the cost per case has decreased.

It was thought that the majority of cases reported to the rehabilitation department for service would be industrially injured persons receiving compensation. There are several reasons for this. It was thought that compensation would provide means of maintenance during training. The disabled man receiving compensation is reported to the rehabilitation service through an arrangement of co-

operation, and is offered the service immediately after his recovery. Also a man receiving compensation is not apt to misunderstand the efforts of the state in his behalf and would not need to be persuaded that rehabilitation is a service to which he is entitled. The records of the first year of the rehabilitation program supported this belief. The 1926 records, however, show slightly less than half of the cases came from the compensation department. Of all cases rehabilitated during the year, 49 per cent were injured by industrial accident; 19 per cent were injured in public accidents; 27 per cent were injured by disease, and 5 per cent were disabled from congenital causes. The increase in the number coming from the group injured outside of industry is due probably to the very general popularity of the work in the states. The fact that the industrial group does not now predominate is due in part at least to the fact that compensation is not adequate to meet the demands of maintenance for a disabled man, with dependents, to undertake a course of training for new work.

The number of women rehabilitated continues throughout the period of six years to be small. Last year 13 per cent of the total number rehabilitated were women. Women do not generally appear in the reports of compensation cases as suffering major injuries arising out of the more hazardous employments. Recent studies in this field lead us to surmise, however, that more women than men drop out of industry after injury, even before the period of compensation is over. We do not know, therefore, whether the rehabilitation service is functioning as successfully for the industrial women as for the industrial men. There is no reason to believe that disabling diseases, such as infantile paralysis, tuberculosis, and heart disease, affect women less often than men.

Emphasis has been put upon the need of selecting cases on the basis of eligibility for the service and susceptibility of profiting by it. Selecting only the cases that are really vocationally handicapped as a result of a physical disability and limiting the service to those who can be fitted to do work as work is done, means service to larger groups of younger persons. Fifty-six per cent of the cases rehabilitated in 1926 were under thirty years of age, and only 9 per cent were over fifty. The educational background of the rehabilitated groups changes as more younger persons are served. Sixty-six per cent of the 1926 cases had seven or more years of schooling, and 24 per cent had ten or more years of schooling.

Rehabilitation Through Training

Rehabilitation through training is conceived to be the most lasting and worth while method of assisting a disabled persons to reestablish himself in the world of work. Young persons with a long period of industrial life before them, and with academic training of at least eight years, present the most challenging group for the rehabilitation expert. Such cases also, when successfully rehabiltated, give invincible evidence of the economic benefits of rehabilitation both to the disabled person and to society. Fifty-four per cent of the 1926 rehabilitations were accomplished through training. Thirty-nine per cent were trained in institutions, public or private, and 15 per cent were trained in employment under supervision by the state.

Most of the disabled persons for whom the service is available suffer from major physical disabilities. Ordinarily, it is the major physical impairment that results in inability to follow a former occupation. The usual disabilities are orthopedic. Sixty-six per cent of the cases rehabilitated in 1926 suffered from orthopedic disabilities. The extent of vocational disability due to cardiac conditions and tuberculosis is not as obvious as the disability from amputation, or paralysis of leg or arm. The state services have done less for the tubercular and cardiac groups than for others.

The responsibility for formulating policies governing the management of the program is left to the state. There is uniformity, however, in the underlying principles of procedure in the program due to the influence of the federal agency. The division of responsibility between the two agencies—state and federal—is more clearly defined at the present than when the work was being introduced in the states. The state partner must organize the machinery through which eligible cases are selected and rendered the service. The responsibility for establishing a statewide service functioning in the interests of all types of eligible disabled persons is imposed upon the state. The federal partner is given the responsibility of promoting the program in the country which means stimulus and assistance from the passage of the enabling legislation to the refinements in methods and practices. There are nine states that have not yet established the service. Legislation is to be presented early in 1927 to the legislatures of five of these states. The federal board is to assist in these states in presenting the possibilities of rehabilitation to the legislatures. The principal service however of the federal partner is in collecting and distributing information in this field

of work and in work allied to it. There is evidence of expansion in the field of research and study in the states. In one state a thorough study of employment opportunities was made in one of the leading industrial centers. The study was limited to the major industrial lines in which there is promise of reasonably steady employment and recognition of skill by management. Each characteristic job of the industry was analyzed from the standpoint of the physical requirements of the worker to hold it. The report of this investigation to be published by the federal board will be of great usefulness to the workers in all the states.

The federal board has recently prepared a bulletin on employment training. This type of training is used for persons not susceptible of formal training courses and for work for which no training is provided outside of work places. In this bulletin the board has attempted to set up the requirements for successful training in an environment of work which protects the worker and at the same time safeguards the public fund.

Study Under Way to Show Results

The federal board is inaugurating at this time a study of rehabilitated cases. The work in connection with this study is to be done by the states. It is planned to make an analysis of the closed rehabilitated cases from the beginning of the work in 1920 up to and including June 30, 1924. This is to be the first inquiry into the actual accomplishments of the rehabilitation services in the country covering a substantial period. Each case rehabilitated during these years is to be interviewed and a post-rehabilitation employment history recorded. The emphasis is to be put on the relation between the service given and the degree of satisfaction in post-rehabilitation employment. It is to be hoped, naturally, that rehabilitated persons will have suffered less than other workers from periods of unemployment and from casual transfers in industry from one job to another, and that there will be substantial evidence that well trained disabled persons have at least as fair a chance at remunerative work as the unhurt.

There were 12,600 cases rehabilitated between June, 1920, and June, 1924, in the states cooperating with the federal government during that period. During the next six months each one of these cases is to be interviewed if he can be found. From such an accumulation of data we shall be able to prove not only the value of rehabilitation as a national undertaking, but the successful factors in the program.

Child Labor Day in 1927

By Wiley H. Swift

Acting General Secretary, National Child Labor Committee

THE nationwide response which met the observance of Child Labor Day on the last week-end in January indicates a renewed interest in the question of child labor on its own merits unclouded by the controversy over federal control. Ever since the overwhelming rejection of the federal amendment by the state legislatures in 1925, child labor has been a dormant issue.

Its revival at the present time is of special significance. Forty-four state legislatures are to be in session during 1927, and changes in their child labor laws will be urged.

The startling truth is that child labor has been increasing. According to the 1925-26 report of the federal Children's Bureau, the number of children between 14 and 16 years legally at work increased during the last year in 24 out of the 29 cities and in 8 out of the 12 states submitting statistics. This does not include the large number of children, many under 14 years, employed in occupations for which work permits are not required, nor the number working illegally.

Child labor involves more than the mere question of the age at which a child should enter employment. A satisfactory child labor law must meet certain minimum standards, and these include the prohibition of (1) any gainful employment for children under 14, (2) night work for children under 16, (3) a working day longer than eight hours for children under 16, (4) the employment of children in physically and morally dangerous occupations, (5) their employment without a physician's certificate of physical fitness, and (6) their employment during school hours unless they have completed the eighth grade of school.

Few states now meet these standards. In 15 states the law carries an exemption which makes it possible for children under 14 years to work in factories or canneries. In 25 other states children under 14 may work at certain occupations, or at certain times.

In 12 states it is not unlawful to work children under 16 years from 9 to 11 hours a day. In only 17 states is the night work regulation adequate. In 28 states there are no laws prohibiting children of 14 from working around explosives. In 22 states it is not

unlawful to employ children at this age to run elevators. In 17 states there are no laws prohibiting children from 14 to 16 years from oiling, wiping and cleaning machinery in motion. In 18 states a certificate of physical fitness is not required, and in 13 there is no school grade requirement.

These facts constitute a challenge to every one of the forty-four states whose legislatures convene this winter. Their child labor and school attendance laws should be brought up to the minimum standards outlined above. An educated public opinion must precede such legislation. The National Child Labor Committee will be glad to tell any individual or group where his state stands on this question.

Compulsory Automobile Accident Insurance: A Live Issue

WITH bills for compulsory automobile insurance now pending in more than a score of state legislatures, and the Massachusetts act heralded as "more successful than its proponents anticipated," increasing interest is being shown in the movement to adopt the principle of industrial accident insurance in providing protection against the new and growing hazards of automobile traffic.

In Massachusetts, where a law providing compulsory automobile insurance has been effective since January 1, 1927, state administrative officials recently announced that this legislation has already shown gratifying results and promises a substantial reduction of highway accidents. As stated in the New York *Times*, "it is felt that the insurance law is a reminder of the highway safety problem and exercises a potent effect on operators."

These developments have met with strenuous opposition on the part of commercial casualty insurance companies. They obviously fear that laws compelling automobile operators to carry accident insurance will lead to the adoption of state insurance funds. Many of the bills already introduced call for state funds similar to existing state funds for workmen's accident compensation, to provide the required protection with a maximum of security and a minimum of cost. Such legislation, exclaimed the United States manager of Employers' Liability in a recent address, "should meet the determined and continual opposition of all citizens, more particularly those of us who are in the insurance business."

Commercial Insurance Tactics in Oregon Against Compensation Law

IN Oregon where the state fund is the exclusive carrier of insurance under the elective workmen's compensation law, commercial insurance companies have been making desperate attempts to discredit and undermine the state fund and have the law changed so that they themselves will be permitted to sell this insurance to employers.

The State Industrial Accident Commission shows that the exclusive state fund is vastly more economical than private insurance. If private insurance companies had carried the insurance under the workmen's compensation act during the 12 years of its operation, as they are seeking to do in the future, the commission reports, "the cost to the employers of the state would have been $34,668,900.46, as compared to the total of $19,107,664.14 which employers did pay." Thus the saving to Oregon industries insured in the state fund during this period was $15,561,236.32.

Tactics of commercial insurance companies against the Oregon compensation law were set forth recently in a statement presented by the state commission to a legislative investigating committee created in 1925. Says the commission:

"The principles of workmen's compensation as embodied in this act became a part of the social policy of this commonwealth only after a bitterly contested campaign before the people of the state and its legislature. The insurance companies then, as now, were not opposed to the principles of a compensation law. They were, and are, opposed, however, to the decision of the legislature and the people of this state that no profit should be derived from the broken limbs and crushed-out lives of the workers of this commonwealth, and that to accomplish this purpose a state accident fund should be established.

"The insurance companies have ignored the clear intent of the legislature and the people of the state to restrict workmen's compensation insurance to the state accident fund. They induced many employers to reject the compensation law by offering so-called workmen's compensation insurance at rates which were inadequate to provide the benefits and protection assumed by the policies.

"As an inevitable result, many injured workmen and the widows and children of those killed by industrial accidents have been the

victims of heartless, shameless and unconscionable settlements by these insurance companies; some employers have had their policies canceled time after time; others have been forced into litigation with injured employees, their operating forces disarranged through the preparation of defenses and attendance upon trials, the whole creating antagonisms between employees, and bitter feeling toward the employers, the courts and the commonwealth.

"During the present year (1926), and since the time of the first statement made by this commission to your committee in February, some of the largest industrial concerns in the state have recalled their rejections and again brought their operations under the protection of the workmen's compensation law.

"In addition to this important development, a number of the insurance companies most active in opposition to the present compensation law have been forced to withdraw from the field of accident insurance in this state."

Reduction of Seasonal Operation of Industry Reported by Secretary Hoover

"IN June, 1923, the Secretary appointed a committee of leading business and labor representatives upon 'Seasonal operation in the construction industries,'" says Secretary of Commerce Hoover, in his recent annual report. "This committee, after exhaustive investigation, made most important recommendations. The better understanding of the problem brought about by the committee's exhaustive report and the co-operative activities established in 'follow-up' in the most important localities have had a marked effect. The annually enlarged building program of the country has been handled in large part by extension of the building season into the winter months; this has had a stabilizing effect upon prices and given increased annual earnings to workers, not only in construction but in the construction-material industries. The price of most building materials has, in fact, decreased despite the large increased demand.

"Closely following the recommendations of the committee on seasonal operation in the construction industries, the Association of Railway Executives declared its interest in placing maintenance of way and construction repair work on as nearly a stable basis as possible. The subject was brought before meetings of railway officials and technical experts, and the practical results are shown by the fact that for every hundred men employed during the most active month of the years 1924 and 1925, respectively, 78 and 77 men were employed during the least active month. In 1922 and 1923 the corresponding figures were 69 and 70. The average monthly variation from the yearly mean has decreased from 11.4 per cent to 8.2 per cent in five years. This one field in which the regularity of employment of several hundred thousand men is affected, is a concrete illustration of what has been accomplished in a branch of the public utilities where stable operations are especially hard to maintain."

Labor Legislation in Mexico

By Santiago Iglesias
Secretary, Pan-American Federation of Labor

MEXICO has appealed once more for the sympathetic understanding and the generous cooperation of the American people in its struggle for national life and dignity. An important objective of the struggle is the improvement of the standards of living and working of labor. The spectres which are haunting the workers of Mexico, exploitation, ignorance and misery, are being fought by the organized workers of Mexico under the leadership of Luis N. Morones, with the earnest approval of the national administration under the regime of President Calles. This, together with the safety and health legislation, is being accomplished, after years of revolutions, through the orderly processes of constitutional government.

The story back of the Mexican Revolution which began in 1910, and the story of the Revolution itself are well known to the American people. Mexico was the "treasure house of the world," but for a few privileged natives and foreigners, with the latter perhaps enjoying more privileges than the former. The objective of the Revolution was to put an end to the unbridled and upscrupulous piracy that went on for years and years, while the people lived in misery and want. The Revolution was successful, but then came that series of counter-revolutions sandwiched in between the years 1913 and 1923, which may well be termed as the process of purification of the revolutionary ranks. In the meantime, and in the heat of revolutionary idealism, the Constitution of 1917 was adopted to supersede the Constitution of 1857, the latter in itself a revolutionary document in its time. However, the Constitution of 1917 was nothing more than a dead letter because the legislative powers of the succeeding years were more interested in politics than in enacting laws that would enable the country to enforce the Constitution. It was not until the Obregon Government came into power that a real and honest effort was made to pass enabling acts, but the unfortunate De la Huerta episode once more split the National Congress into rival factions. With the peaceful state of affairs achieved by the

Obregon Government towards the end of its term, and with the advent of Calles Government, attention once more was focused on the economic and social problems of the country. With rather keen and highly laudable foresight the legislators who in 1917 drafted and adopted the new Constitution, covered most all of the problems with which Mexico and the Mexican people had been contending, but for eight years nothing was done to enact into law and regulate the application of the constitutional precepts. The uncertainty that prevailed on that account has brought more trouble to Mexico in the last eight years, especially from foreign investors who on the least pretext appealed to their home governments, than perhaps the ravages of the Revolution itself.

Mr. William Green, President of the American Federation of Labor, considering the appeal of the organized workers of Mexico, has expressed himself in these very frank and fair terms:

"Mexico and the people of Mexico have the right to manage their own affairs without interference from outside sources. They have the right to consider and dispose of their domestic questions in such a way as they feel will best suit their national, domestic and economic needs. That power and that right is exercised by every other sovereign nation and certainly Mexico should be permitted without interference to exercise the same authority and the same right."

Let no one delude himself that special interests in the United States will accept the social development now in progress in Mexico. It is charged that Mexico has undergone a revolution for years and this is true. The influence of the revolution is in that government's attitude toward the workers. To-day they are considered as men and women, rather than peons and serfs, which was the rule under the Diaz regime.

Most of the employers are accepting the principle of collective bargains, accident compensation laws and legislation that protects women and children. Homestead laws are very humanitarian and of far-reaching importance.

On Labor and Social Welfare, the Mexican Constitution of 1917 also provides for the eight hours which shall be the maximum limit of a day's work. The maximum limit of night work shall be seven hours. Unhealthy and dangerous occupations are forbidden to all women and to children under sixteen years of age. Night work in factories is likewise forbidden to women and to children under

sixteen years of age. The maximum limit of a day's work for children over twelve and under sixteen years of age shall be six hours.

Women shall not perform any physical work requiring considerable physical effort during the three months immediately preceding parturition and during the month following parturition they shall enjoy a period of rest and shall receive their salaries or wages in full. During the period of lactation they shall enjoy two extraordinary daily periods of rest of one half hour each, in order to nurse their children.

The minimum wage to be received by a workman shall be considered that sufficient to satisfy the normal needs of the life, his education and lawful pleasures. In all agricultural, commercial, manufacturing or mining enterprises, the workman shall have the right to participate in the profits in the manner fixed by law. The same compensation shall be paid for the same work, without regard to sex or nationality.

When, owing to special circumstances, it becomes necessary to increase the working hours, there shall be paid as wages for the overtime one hundred per cent more than those fixed for regular time.

In every agricultural, industrial, mining or other class of work employers are bound to furnish their workmen comfortable and sanitary dwelling places, for which they may charge rents not exceeding one-half of one per cent per month of the assessed value of the properties. They shall likewise establish schools, dispensaries and other services necessary to the community.

Employers shall be liable for the labor accidents and occupational diseases arising from work; therefore, employers shall pay the proper indemnity according to whether death or merely temporary or permanent disability has ensued, in accordance with the provisions of law.

Employers shall be bound to observe in the installation of their establishments all the provisions of law regarding hygiene and sanitation and to adapt adequate measures to prevent accidents due to the use of machinery, tools and working materials.

The labor laws enaced by the national Congress apply only to the federal district and the territories. A Department of Labor has been well organized under the Secretary of Industry, Commerce

and Labor since 1917. The adoption of the general regulations defining the duties and rights of labor under Article 123 of the Constitution have been the subject of discussion during the past session of the National Congress but failed to pass in the senate. The right to lawful strike has been regulated by law under Article IV of the Constitution. The law enacted by Congress is of far-reaching importance to protect the interests of the workers. Central Boards of Conciliation and Arbitration were established. Several legislatures of the states have already enacted labor laws to give effect to Article 123.

The workers have accepted wholeheartedly the evolutionary theory of trade unions, as advocated by the American Federation of Labor. The Mexican Government and the Mexican trade unionists, who are entirely in sympathy with their government, are alert to the opposition of small groups of privilege-seeking capitalists, foreigner and native, who are biding their time to turn public opinion in the United States against the Mexican Republic and using every means to foment greedy revolutions to prevent the justice, liberty and civilization that the Mexican people are very anxious to enjoy.

The present period of Mexico's history is momentous, and realizing that, the Mexican Federation of Labor has placed its full strength behind the efforts of President Calles. The reconstruction program now in the course of development is intimately connected with the interest of the working people. It is, in fact, a program which has for its object the advent of a better life for the working people of Mexico.

Report of Work

American Association for Labor Legislation

By John B. Andrews

ACTIVITIES and accomplishments of this Association may be outlined concisely here, as in earlier annual reports, since the membership, to a degree unusual among national organizations, is kept abreast of developments throughout the year. Detailed reports of progress are made almost currently through special communications, circulars and pamphlets and through the American Labor Legislation Review.

Important new legislation was adopted in 1926, although it was an "off" year with only nine states and Congress holding legislative sessions.

"The Shame of Missouri" was at last wiped out when the voters of that state in a popular referendum overwhelmingly ratified a workmen's compensation law—leaving only five states, all in the non-industrial South, and the District of Columbia, still remaining without this modern protection against industrial accidents. Throughout the five years of effort to secure a workmen's compensation law in Missouri, this Association was called upon continuously by public officials and state organizations for assistance. In the successful referendum campaign of 1926 a compensation map prepared by the Association was given wide distribution, and proponents of the law have publicly testified to its effectiveness. Kentucky enacted an old age pension law, based on the standard bill drafted as a result of conferences by representative groups including this Association, thus becoming the fifth American state to put into effect this method of caring for aged dependents in their own homes instead of in poorhouses. Congress adopted mothers' pensions for the District of Columbia, providing home care for dependent children in a humane, enlightened manner as it is under the mothers' pension laws already in effect in forty-two states.

During 1926, also, a number of existing laws were strengthened and extended and the groundwork laid for the further acceptance of legislative measures promoted by the Association. In these advances the Association continued its never-ending work of investigation, interpretation, education and cooperation—all the painstaking preliminaries that are so vitally essential to the final enactment of satisfactory legislation.

In eight states increases were made in workmen's compensation benefits, and other improvements secured in the direction of the Association's "Standards." Safety and sanitation laws for factories were strengthened in several of the states. In Washington the legislature passed an old age pension bill but it was vetoed by the governor, whose reactionary activities brought him face to face with a strong movement for his recall. Congress increased the benefits provided by the old age retirement act for federal employees. The

bill to extend appropriations for federal cooperation with the states in maternity and infancy care passed the national House of Representatives, the Senate committee later reporting it out with an amendment providing for an extension of one year only instead of two—which was a call to friends of this legislation to impress the Senate with the desirability of accepting the two-year extension of this important service. The Association continued its efforts on behalf of the Fitzgerald bill to provide workmen's accident compensation for workers in private employments in the District of Columbia, and for the third time in five years the House committee adopted a favorable report, strongly urging its passage.

The Association's nationwide campaign for coal mine safety, particularly for the required rock dusting of bituminous mines to prevent mine disasters due to coal dust explosions, has aroused a most impressive and encouraging response. During 1926 more than 70 new companies were added to the list of those rock dusting their mines, making a total of over 180 companies that have installed this safeguard since our present campaign opened. In advance of the legislative sessions of 1927, when the legislatures of most bituminous states will convene, the Association has continued to meet demands for its "standard bill" for rock dusting and to assist in opening the way to further enactment of rock dusting laws through correspondence, conferences and cooperation with the press.

Throughout the year the Association was engaged arduously in preparing the way for the adoption by Congress of the bill to provide federal accident compensation for longshoremen and other "harbor workers."

This measure, prepared by the Association for Labor Legislation in cooperation with the International Longshoremen's Association, is of great importance, not only to meet the urgent need for compensation protection of a quarter of a million essential workers engaged in the extremely hazardous tasks of loading, unloading and repairing vessels at the dock in the various ports of the country but also to close up a conspicuous gap still remaining in workmen's compensation legislation in America. The plight of the harbor workers and their families and the swift developments in the legislative campaign to protect them against accidents which the Supreme Court has held to be not compensable under state laws have been from time to time fully reported to our members.

Progress of this legislation has been highly encouraging. It received unanimously favorable reports by the Judiciary committees of both Houses of Congress, and was, in June, passed by the Senate. Passage by the House was blocked by tactics of delay employed last June by opposing shipping interests on the eve of adjournment, but members of the House committee have promised to take further action at the short session of Congress. This Association will continue its efforts vigorously and vigilantly.

Our work for the harbor workers' compensation bill may be cited here to illustrate how heavy the demands are upon this Association's officers and staff in preparing and promoting a comprehensive legislative measure.

Carrying forward our activities of the preceding year—when the Association cooperated with influential labor groups and their advisers and several public officials in perfecting the bill for introduction in Congress—we were

called upon to take an active part in this legislative work at Washington. The tentative draft, completed in 1925 after months of careful preparation, was revised before its introduction in Congress in February in order to incorporate suggestions of compensation commissioners throughout the country who have unanimously approved this legislation. Following the introduction of the bill by the chairmen of the Judiciary committees of both Houses, a series of hearings were held in all of which the Association participated.

When shipping interests appeared in opposition to certain provisions of the bill, the chairman of the House Judiciary committee requested our Association to bring together in conference representatives of the ship owners and harbor workers. This was done with the result that agreement was reached on many disputed points. The committee thereupon reported the bill favorably and voted to request a special rule to expedite its passage. Meanwhile hearings had also been held by the Senate Judiciary committee. This committee also made a unanimously favorable report, following which, on June 3, the bill was passed by the Senate. The Senate bill, however, differed in certain important respects from the bill as it was reported to the House. This created a new exigency. One of two courses was open to bring about final action without further delay—acceptance by the House committee of the Senate bill as a substitute for its own bill, or passage by the House of its own committee's draft with subsequent ironing out of differences in conference committee. The end of the session was drawing near. Proponents of the bill, after careful consideration, felt that the need of injured longshoremen was so urgent that the enactment of the Senate bill, even though inadequate, was to be preferred to further jeopardizing the legislation. But this consummation was blocked by eleventh-hour tactics of delay by opposing chambers of commerce and ship owners, and Congress adjourned July 3 with our bill still "unfinished business."

At each step in the progress of this measure new problems had to be met and new obstacles overcome. In the beginning the difficult question had to be settled, as to whether seamen and railroad employees engaged in interstate commerce were to be included along with harbor workers in a comprehensive plan of federal accident compensation. It developed that these two great classes of workers were not yet ready for this legislation but that the plight of the longshoremen was so desperate that a compensation law to protect them when injured aboard a vessel at the dock was really an emergency matter. The preparation of the bill involved endless labor and frequent consultation with members of our general administrative council, with legislative and legal experts and with compensation law administrators who contributed freely of their advice and special knowledge. In all more than a score of conferences were held, some of them all-day sessions, to thresh out the difficult questions as to the plan of compensation, its administration, and the benefits to be provided. Criticism of the tentative draft was invited from interested organizations, individuals and public officials. When the bill was introduced, all members of Congress were informed of the conditions that made its prompt adoption necessary and of the effect of its various, and somewhat technical, provisions. Letters and printed pamphlets were sent not only to the Association's members but also to other interested organizations and individuals throughout

the country. Press matter was prepared and sent widely to magazines and newspapers and labor journals as a part of the campaign of public education. At Washington, the opposing shipping interests placed pitfalls and obstacles at every step of the way toward passage of the bill, and resorted repeatedly to tactics of delay. This, together with legislative assistance requested by the Judiciary committees, kept the Association's secretary busy in Washington the greater part of the time for weeks at a stretch. Our members sustained a keen interest in the bill and their responses to appeals to "write your congressman," every time the need for such assistance arose, were both wholehearted and effective. Mr. Chlopek, the able president of the longshoremen's union, whose spirit of cooperation and general welfare viewpoint have contributed greatly to the promotion of this legislation, has referred to this Association's part in bringing about a federal compensation law for harbor workers as "yeoman service."

Experience has proved again and again that persistence and vigilance are the price of adequate labor legislation. The Association of course strives, as always, to secure adoption of a measure that best serves the interests of employer, employee and the community.

At all times the officers of the Association appreciate having the suggestions and constructive criticisms of the members, as well as expressions of approval when they appear warranted. Outstanding activities and results may be reported briefly. Much of the day-by-day work at the Association's headquarters, however, is not apparent on the surface, yet the sum total of these services contributes largely to the progress and character of protective labor legislation throughout the country. Throughout its twenty years of service this Association has performed an essential social function in formulating and securing adoption of desirable labor standards from the public point of view. This has been made possible by the cooperation of our members (the membership for 1926 totaled 3,232) who have generously and for the most part steadfastly contributed their financial, moral and personal support. The Association's financial support comes entirely from voluntary contributions. It is accomplishing much on a very modest budget, and demands on it for information and service are increasing. As an effective instrument for social service achieving much collectively that could not be accomplished by individual action, this Association bespeaks an increasingly wide membership and even more generous support.

Annual Business Meeting

THE twentieth annual business meeting of the American Association for Labor Legislation was held at The Hotel Statler, St. Louis, December 30, 1926. In the unavoidable absence of the president, Thomas L. Chadbourne, one of the Vice-Presidents, John R. Commons, was selected to preside.

Minutes of the preceding meeting were approved, as published in the AMERICAN LABOR LEGISLATION REVIEW for March, 1926, pp. 105-108.

A resolution in support of the bill for longshoremen's federal accident compensation "on a basis that shall afford adequate benefits," was, after discussion, adopted.

Report of Work for 1926 was made by the secretary, John B. Andrews, and adopted for printing (see page 95). In the absence of the treasurer, Adolph Lewisohn, the secretary read the Financial Statement, which was referred to the chartered public accountants (see page 100).

For the Committee on Nominations, David A. McCabe reported a list of proposed officers and members of the General Administrative Council who were elected. The general officers and vice-presidents who served in 1926 were re-elected except for the following changes: Mr. Chadbourne was made an Honorary President; Sam A. Lewisohn was elected President; Adolph Lewisohn, former Treasurer, and John Randolph Haynes, were added to the list of Vice-Presidents; Paul H. Douglas and John G. Winant were transferred from the Advisory Council to the Executive Committee, and Otto T. Mallery was elected Treasurer, and *ex-officio* an Executive Committee member. New members added to the Advisory Council were: Bernard Baruch, P. H. Callahan, Mrs. John J. Eagan, Mrs. George D. Pratt, Frederick P. Kenkel, Jessica Peixotto, Evelyn Preston, Mrs. Raymond Robins, W. T. Raleigh, Margaret Scattergood, Gerard Swope. The following were not re-elected: Paul H. Douglas, Walton H. Hamilton, John Randolph Haynes, R. H. Lansburgh, Joseph H. Schaffner, John G. Winant, Robert B. Wolf.

JOHN B. ANDREWS, *Secretary.*

FINANCIAL STATEMENT

Statement of Cash Receipts and Disbursements for the Year Ending December 31, 1926

Balance, January 1, 1926, per cash book		$197.79
Receipts:		
Members' dues and contributions	$40,142.75	
Sale of literature	925.20	
Interest on bank balance	82.04	
Interest on Margaret Peabody Fund	240.00	
Collections, annual meeting dinner of 1925	73.75	
		41,463.74
		$41,661.53
Disbursements:		
Salaries:		
Administrative, editorial and research	$22,179.81	
Stenographic and clerical	5,962.94	
Printing and engraving:		
A. A. L. L. review, reports and bulletins	3,704.86	
Circulars, enclosures, etc	1,338.41	
Pamphlets	310.91	
Postage	1,442.01	
Stationery and office supplies	1,038.52	
Traveling expense	1,766.83	
Telephone and telegraph	361.63	
Rent and light	2,136.00	
Books, clippings, etc	283.55	
Office expense	522.52	
Committee expense	109.33	
Miscellaneous, including legislative index service, annual meeting expense, etc	281.09	
		41,438.41
Balance, per cash book, December 31, 1926		$223.12

We have examined the records of cash receipts and disbursements of the American Association for Labor Legislation for the year ending December 31, 1926, and we certify that the above statement is a correct summary of the transactions for the period as shown by the cash book. No verification of the cash receipts was made, other than interest accrued from securities owned and from bank deposits, but we ascertained that all receipts for 1926 recorded in the cash book were deposited with banks to the credit of the Association, and that all disbursements of cash were supported by approved and receipted vouchers. The cash in bank at December 31, 1926, was verified by obtaining certificates from the bank.

Price Waterhouse & Co.,
Chartered Accountants.

International Labor Legislation

THE **International Association for Social Progress,** of which the Association for Labor Legislation serves as the American section, will meet at Vienna in early September.

AT a meeting of the Joint Maritime Commission of the International Labor Organization held at Geneva, January 20-22, 1927, it was decided by a vote of 7 to 5 to recommend the inclusion of the question of the regulation of **hours of labor on board ship** in the agenda of a maritime Session of the International Labor Conference in 1928. The Commission was unanimous in proposing that two other questions should be placed on the agenda of the 1928 Session: (1) protection of seafarers in case of sickness, including the treatment of the injured on board, and (2) improvement of the conditions of life of seamen in ports. With respect to the resolution of the Ninth Session of the International Labor Conference concerning the study of the penalties applied in the different countries to seamen who quit their jobs upon arrival in port, the Commission recommended a continuance of the study of the legislation in force.

Representatives of the shipowners on the Commission fought the proposal to consider the regulation of working hours of seamen at the 1928 Conference. Although unsuccessful in this, they once more proved to be a group that is aggressively reactionary in their attitude toward protective labor legislation and the work of the International Labor Office.

AN **Association for Industrial Accidents** has recently been formed by French and Belgian surgeons and physicians interested in the treatment of the victims of industrial accidents.

GREECE has ratified the Draft Convention of the International Labor Conference (1921) restricting the use of **white lead** in painting. This convention has now been ratified by thirteen countries—Austria, Belgium, Bulgaria, Chile, Czechoslovakia, Esthonia, France, Greece, Latvia, Poland, Rumania, Spain and Sweden.

WITH a view to reducing the number of persons in need of charitable relief, the International Association for the Study of Problems of Relief recently adopted a resolution declaring that all systems of legislation should recognize the right to **compensation for occupational diseases,** on the same lines as for industrial accidents. In the case of particularly dangerous or unhealthy industries, the resolution states, the presump-

tion that a disease is industrial in origin should be established in favor of both manual and non-manual workers, and the regulations should also take account of aggravations of disease caused by occupation. Existing industrial hygiene measures, the Association holds, should be strengthened.

In a memorandum recently submitted to the Minister of Commerce of **Hungary,** the Hungarian Federation of Trade Unions urged favorable action on Conventions and Recommendations adopted at various sessions of the International Labor Conference. In particular, the Federation urged action in connection with the eight-hour day, the minimum age for the admission of young persons to work in industry, unemployment insurance, the protection of women, compensation for industrial accidents in agriculture, and the weekly rest in industrial undertakings. The Federation emphasizes the view that **the ratification of international Conventions is an index of social progress.**

In England, a law was recently enacted, effective January 1, 1927, to regulate the use of **white lead** in painting, with the object of safeguarding the health of painters.

The total number of **ratifications of Draft Conventions** adopted by the International Labor Conference since 1919 as registered with the International Labor Office is 215 (including four conditional or with delayed application). This is a gain of 30 ratifications during 1926.

Discussing the participation of workers' representatives in the government of Belgium, the general secretary of the Belgian trade union center recently remarked that no one but a blind man could deny that the gains of the workers through their post-war participation in the government have been great. He reminded his hearers that the ratification of the international Convention on the **eight-hour day** had been secured only when Vandervelde threatened that four ministers would resign if it were not done.

Commenting on international efforts to restore economic equilibrium in Europe, including an international steel cartel and preparations for an international economic conference, William Green, President of the American Federation of Labor, in an editorial in the *American Federationist* says: "Even though we are geographically remote from many issues, yet we can not isolate our interests or avoid responsibilities for doing our part in the development of **higher standards of international relations.** * * * We know that wars can not be abolished unless we substitute alternative courses. Labor believes that the rank and file of our citizenry want our government to do its full part for the development of agencies to deal with issues concerned with international relations."

In Argentina, the President has issued an executive decree putting into effect a law which prohibits **work in bakeries** between 9 p. m. and 5 a. m.

Book Reviews and Notes

Principles of Labor Legislation. By John R. Commons and John B. Andrews. *New York, Harper & Brothers, 1927. 616 pp.*—The appearance of this completely revised and enlarged edition of a book that has come to be regarded as "indispensable" by those interested in social legislation is worthy of note not only for the new and up-to-date material it makes readily available but also for the remarkable development of protective labor laws in the United States that it records. The volume, written from the standpoint of the citizen and the student rather than from that of the legal expert, first appeared in 1916 with 524 pages, and its present enlargement to 616 pages is an impressive indication of recent progress in this field. The striking statement is made that "America's first labor law was enacted ninety years ago, yet the bulk of our effective and, indeed, revolutionary labor legislation is the fruit of the past fifteen years." This standard work stands alone as an authoritative, popularly written source of information on the principles underlying labor laws and their application to individual and collective bargaining, the minimum wage, hours of labor, unemployment, safety and health, social insurance, including workmen's accident compensation, and administration.—F. W. M.

Migration and Business Cycles. By Harry Jerome. *New York, National Bureau of Economic Research, Inc., 1926. 256 pp.*—As Dr. Wesley C. Mitchell points out in a foreword to this book, the author has sought to get as definite answers as possible to the questions: to what extent are fluctuations in migration attributable to fluctuations in employment, and to what extent, in turn, are fluctuations in migration an ameliorating influence, and to what extent an aggravating factor, in employment and unemployment fluctuations? This study among other things outlines the present conditions of various industries affected by the quota act and compares labor supply with industrial demands by seasons and cycles. The volume is a valuable scientific contribution to an important aspect of the general problem of stabilizing employment.

Japan and the International Labor Organization. By Iwao. F. Ayusawa. *London, League of Nations Union, 1926. 39 pp.*—Recent social and industrial changes in Japan, particularly the development of protective labor legislation, are here set forth vividly and impressively. The author points out that prior to 1919 Japan had "but few laws which could be regarded strictly as labor laws" and that "the sudden and very considerable progress of this country in labor matters since 1919 has been stimulated by the International Labor Organization." The growth of trade unionism, along with labor legislation, has been noteworthy. Outstanding among Japan's new labor laws are those restricting child labor, protecting maternity, safeguarding young

persons employed at sea, providing a public employment service, workmen's accident compensation and health insurance, and prohibition of white phosphorus in the manufacture of matches.

Proceedings of the Fourteenth Annual Meeting of the International Association of Public Employment Services. *Ottawa, Department of Labor, Canada, 1927. 85 pp.*—Contains papers and addresses presented at the meeting of the Public Employment Services association at Montreal in September, 1926. Subjects discussed by experts include labor supply in the lumber and the pulp and paper industries, and in harvesting; placement of handicapped workers, and employment of women and children in industry.

The Government and Labor. By A. R. Ellingwood and Whitney Coombs. *Chicago and New York, A. W. Shaw Co.,* 1926. 639 *pp.*—A collection of the more important labor statutes, judicial decisions, administrative orders and reports, supplementing by a convenient arrangement similar to the book *Principles of Labor Legislation* the discussion of problems covered in that volume. "The usefulness of the selections is greatly increased by the illuminating suggestions and questions which are found in each section."

A Short History of the British Working-Class Movement. By G. D. H. Cole. *New York, Macmillan,* 1927. 211 *pp.*—This work—"two volumes in one"—is a general survey of the growth of the Working-class Movement in all its leading aspects, political as well as industrial and co-operative. It covers the period 1789 to 1900, from the beginnings of the Industrial Revolution to the end of the nineteenth century when "Socialism itself had become respectable." This volume sets forth concisely the background that is helpful to an understanding of more recent developments, including impressive achievements in protective labor legislation, that have in the twentieth century aroused worldwide interest in the British labor movement.

Political and Industrial Democracy. By W. Jett Lauck. *New York, Funk & Wagnalls,* 1926. 374 *pp.*—A careful study of present day experiments in employee representation and other movements towards industrial democracy. The conclusion is optimistic and stresses several definite recommendations.

The Woman Worker and the Trade Unions. By Theresa Wolfson. *New York, International Publishers,* 1926. 224 *pp.*—A discussion of the permanency of the women wage-earning group, and its peculiar problems of organization. Incidental balanced reference is made to the feminists and to the importance of special protective legislation for women workers.